3

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

NOVOZYMES A/S,

Plaintiff

٧.

C.A. No. 05-160-KAJ

GENENCOR INTERNATIONAL, INC., and ENZYME DEVELOPMENT CORPORATION

Defendants

NOVOZYMES A/S' RESPONSES TO **DEFENDANTS' FIRST REQUEST FOR ADMISSIONS (NOS. 1-26)**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Delaware, and the Orders of the Court, Plaintiff Novozymes A/S ("Novozymes"), by its attorneys, responds and objects to the first requests for admission (the "Requests") by defendants Genencor International, Inc. and Enzyme Development Corporation (collectively, "Defendants").

GENERAL OBJECTIONS

- Novozymes objects to the definitions incorporated into the Requests from 1. Defendants' First Set of Interrogatories and to Defendants' First Request for the Production of Documents and Things to Plaintiff Novozymes A/S as set forth in its response to those interrogatories and documents requests.
- Novozymes objects to the Requests to the extent that they seek to impose duties 2. over and above those required by the Federal Rules of Civil Procedure, the Local Rules of this

District, and this Court's orders. Novozymes' responses shall be made only in accordance with the applicable Rule(s).

- 3. Novozymes objects to the Requests to the extent that they relate to issues irrelevant to Novozymes' Motion for Leave to Amend the Complaint for the Purpose of Joining Novozymes of North America, Inc. ("NZNA") as a Co-Plaintiff.
- 4. Novozymes objects to the Requests to the extent they seek information protected by the attorney-client privilege, the attorney work-product privilege, or any other privilege that would protect such information from disclosure.
- 5. Novozymes objects to the Requests to the extent they seek proprietary and/or confidential business information, which will be produced only subject to the terms of the Protective Order.
- 6. The responses given herein shall not be deemed to waive any claim of privilege or immunity Novozymes may have as to any response, document or thing, or any question or right of objection as to authenticity, competency, relevancy, materiality, admissibility, or any other objection Novozymes may have as to a demand for further response to these or other Requests, or to any objection to the use of such information, documents or things in any other proceeding filed after the production of such information or documents.
- 7. These General Objections are applicable to and are incorporated in each specific response herein without further reference. The inclusion of specific objection(s) in response to any Requests shall not be construed as a waiver of such objection.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that on July 18, 2006, counsel for Novozymes A/S raised for the first time the issue of joining NZNA as a co-plaintiff.

RESPONSE TO REQUEST NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Admit that Novozymes A/S did not produce the January 1, 1996 Technology License Agreement and the January 1, 2005 Marketing Agreement to Defendants until July 19, 2006.

RESPONSE TO REQUEST NO. 2:

Plaintiff admits that Novozymes produced the January 1, 1996 Technology License Agreement and the January 1, 2005 Marketing Agreement to Defendants on July 19, 2006.

REQUEST FOR ADMISSION NO. 3:

Admit that Novozymes A/S did not produce the January 1, 2001 Framework Agreement for Services to Defendants until July 20, 2006.

RESPONSE TO REQUEST NO. 3:

Plaintiff admits that Novozymes produced the January 1, 2001 Framework Agreement for Services to Defendants on July 20, 2006.

REQUEST FOR ADMISSION NO. 4:

Admit that Novozymes A/S voluntarily structured its relationship with NZNA for business purposes.

RESPONSE TO REQUEST NO. 4:

Novozymes objects to the term "voluntarily structured" as vague and ambiguous. Novozymes admits that its relationship with all of its subsidiaries, NZNA included, is structured to comply with applicable laws and regulations while serving the best interests of its shareholders.

REQUEST FOR ADMISSION NO. 5:

Admit that the business purposes for which Novozymes A/S structured its relationship with NZNA were not specifically related to the '031 patent or practice thereof.

RESPONSE TO REQUEST NO. 5:

Novozymes admits that its relationship with NZNA was structured to comply with applicable laws and regulations while serving the best interests of its shareholders; otherwise denied.

REQUEST FOR ADMISSION NO. 6:

Admit that NZNA was not created for the purpose of manufacturing and/or selling products that practice the '031 patent.

RESPONSE TO REQUEST NO. 6:

Novozymes admits that NZNA was not created for the sole purpose of manufacturing and/or selling products that practice the '031 patent; otherwise denied.

REQUEST FOR ADMISSION NO. 7:

Admit that NZNA is separately incorporated from Novozymes A/S.

RESPONSE TO REQUEST NO. 7:

Novoyzmes objects to the term "separately incorporated" as vague and ambiguous. Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation.

REQUEST FOR ADMISSION NO. 8:

Admit that NZNA pays its employees out of its own payroll.

RESPONSE TO REQUEST NO. 8:

Novozymes objects to the phrase "out of its own payroll" as vague and ambiguous. Novozymes admits that NZNA pays the majority of its employees from an NZNA bank account.

REQUEST FOR ADMISSION NO. 9:

Admit that NZNA pays its own state and U.S. taxes.

RESPONSE TO REQUEST NO. 9:

Admitted.

REQUEST FOR ADMISSION NO. 10:

Admit that NZNA has its own board of directors.

RESPONSE TO REQUEST NO. 10:

Novozymes admits that NZNA has a board of directors consisting of five members, four of whom are executive employees of Novozymes A/S.

REQUEST FOR ADMISSION NO. 11:

Admit that Novozymes A/S and NZNA provide services and/or technology that one entity provides to the other pursuant to contractual agreements.

RESPONSE TO REQUEST NO. 11:

Admitted.

REQUEST FOR ADMISSION NO. 12:

Admit that Novozymes A/S and NZNA charge each other expenses pursuant to contractual agreements.

RESPONSE TO REQUEST NO. 12:

Admitted.

REQUEST FOR ADMISSION NO. 13:

Admit that Novozymes A/S and NZNA purchase products from each other pursuant to contractual agreements.

RESPONSE TO REQUEST NO. 13:

Admitted.

REQUEST FOR ADMISSION NO. 14:

Admit that the '031 patent is not specifically mentioned in the January 1, 1996 Technology License Agreement.

RESPONSE TO REQUEST NO. 14:

Novozymes admits that the '031 patent is not specifically referenced by title or number in the January 1 1996 Technology License Agreement.

REQUEST FOR ADMISSION NO. 15:

Admit that the January 1, 1996 Technology License Agreement does not explicitly transfer to NZNA any proprietary rights to any Novozymes A/S patent.

RESPONSE TO REQUEST NO. 15:

Novozymes objects to this request as vague and ambiguous. Novozymes admits that the January 1, 1996 Technology License Agreement does not expressly refer to any specific patents by title or number. Novozymes also admits that the January 1, 1996 Technology License Agreement does not convey ownership of any patents to NZNA. Novozymes also admits that the January 1, 1996 Technology License Agreement does not expressly convey any exclusive rights to any patents to NZNA; otherwise denied.

REQUEST FOR ADMISSION NO. 16:

Admit that the '031 patent is not specifically mentioned in the January 1, 2001 Framework Agreement for Services.

RESPONSE TO REQUEST NO. 16:

Novozymes admits that the '031 patent is not specifically referenced by title or number in the January 1, 2001 Framework Agreement for Services.

REQUEST FOR ADMISSION NO. 17:

Admit that the January 1, 2001 Framework Agreement for Services does not explicitly transfer to NZNA any proprietary rights to any Novozymes A/S patent.

RESPONSE TO REQUEST NO. 17:

Novozymes objects to this request as vague and ambiguous. Novozymes admits that the January 1, 2001 Framework Agreement for Services does not expressly refer to any specific patents by title or number. Novozymes also admits that the January 1, 2001 Framework Agreement for Services does not convey ownership of any patents to NZNA. Otherwise, denied.

REQUEST FOR ADMISSION NO. 18:

Admit that the '031 patent is not specifically mentioned in the January 1, 2005 Marketing Agreement.

RESPONSE TO REQUEST NO. 18:

Novozymes admits that the '031 patent is not specifically referenced by title or number in the January 1, 2005 Marketing Agreement.

REQUEST FOR ADMISSION NO. 19:

Admit that January 1, 2005 Marketing Agreement does not explicitly transfer to NZNA any proprietary rights to any Novozymes A/S patent.

RESPONSE TO REQUEST NO. 19:

Novozymes objects to this request as vague and ambiguous. Novozymes admits that the January 1, 2005 Marketing Agreement does not expressly refer to any specific patents by title or number. Novozymes also admits that the January 1, 2005 Marketing Agreement does not convey ownership of any patents to NZNA. Otherwise, denied.

REQUEST FOR ADMISSION NO. 20:

Admit that Novozymes A/S does not manufacture or sell any products that practice the '031 Patent.

RESPONSE TO REQUEST NO. 20:

Novozymes objects to the term "practice" as vague and ambiguous. Novozymes admits that Novozymes A/S does not manufacture or sell any products that would be encompassed by any of the claims of the '031 patent.

REQUEST FOR ADMISSION NO. 21:

Admit that NZNA does not manufacture or sell any products that practice the '031 Patent.

RESPONSE TO REQUEST NO. 21:

Novozymes objects to the term "practice" as vague and ambiguous. Novozymes admits that NZNA does not manufacture or sell any products that would be encompassed by any of the claims of the '031 patent.

REQUEST FOR ADMISSION NO. 22:

Admit that Novozymes A/S does not itself manufacture products that compete with Spezyme® Ethyl in the United States.

RESPONSE TO REQUEST NO. 22:

Novozymes admits that Novozymes A/S manufactures products that compete with Spezyme® Ethyl in the United States through its United States subsidiary, NZNA; otherwise denied.

REQUEST FOR ADMISSION NO. 23:

Admit that Novozymes A/S does not itself sell products that compete with Spezyme® Ethyl in the United States.

RESPONSE TO REQUEST NO. 23:

Novozymes admits that Novozymes A/S sells products that compete with Spezyme® Ethyl in the United States through its United States subsidiary, NZNA; otherwise denied.

REQUEST FOR ADMISSION NO. 24:

Admit that Novozymes A/S has not licensed the '031 patent for profit.

RESPONSE TO REQUEST NO. 24:

Novozymes admits that Novozymes A/S has not licensed the '031 patent to any entity or individual outside of the Novozymes family of companies.

REQUEST FOR ADMISSION NO. 25:

Admit that NZNA is not an implied exclusive licensee of the '031 Patent.

RESPONSE TO REQUEST NO. 25:

Denied.

REQUEST FOR ADMISSION NO. 26:

Admit that the January 1, 1996 Technology License Agreement coveys a non-exclusive, nontransferable right and license to use the Technology described in the agreement.

RESPONSE TO REQUEST NO. 26:

Novozymes admits that among other transfers of rights, the January 1, 1996 Technology License Agreement coveys a non-exclusive, nontransferable right and license to use the Technology described in the agreement.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Dated: September 28, 2006

Josy W. Ingersoll (No. 1088) Rolin P. Bissell (No. 4478) Karen E. Keller (No. 4489) 1000 West Street, 17th Floor Wilmington, Delaware 19801 (302) 571-6600 kkeller@ycst.com

Joseph R. Robinson David Tellekson Robert C. Sullivan, Jr. **DARBY & DARBY P.C.** 805 Third Avenue New York, New York 10022 (212) 527-7700

Attorneys for Plaintiff Novozymes A/S

CERTIFICATE OF SERVICE

I, Karen E. Keller, hereby certify that on September 28, 2006, I caused to be served a true and correct copy of the foregoing document to the following counsel of record:

BY ELECTRONIC MAIL AND HAND DELIVERY

Donald E. Reid, Esquire Morris Nichols Arsht & Tunnell 1201 North Market Street PO Box 1347 Wilmington, DE 19899-1347

BY ELECTRONIC MAIL

Tharan Gregory Lanier, Esquire Jane Froyd, Esquire JONES DAY 2822 Sand Hill Road, Suite 240 Menlo Park, CA 94025

> YOUNG CONAWAY STARGATT & TAYLOR, LLP

Karen E. Keller (No. 4489) The Brandywine Building 1000 West Street, 17th Floor Wilmington, DE 19801 (302) 571-6600 kkeller@ycst.com

Attorneys for Novozymes A/S

4

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

NOVOZYMES A/S,

Plaintiff,

C.A. No. 05-160-KAJ

GENENCOR INTERNATIONAL INC., and ENZYME DEVELOPMENT CORPORATION, Defendants.

8:30 a.m. October 5, 2006

805 Third Avenue New York, New York

HIGHLY CONFIDENTIAL

DEPOSITION of BENNY LOFT, a Witness in the above entitled matter, taken pursuant to Notice, before Stephen J. Moore, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public of the State of New York.

Page 2	-	Page 4
1 BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	2	Q Do you regularly use English for
3 APPEARANCES:	3	business purposes both reading and writing and
4	4	speaking English?
5 DARBY & DARBY P.C.	5	A Yes.
6 Attorneys for Plaintiff	6	Q During the course of the day if
7 805 Third Avenue	7	any of my questions, sometimes I'll get rolling
8 New York, New York 10022	8	along or I will speak too fast, if for whatever
9 10 BY: ROBERT C. SULLIVAN, JR., ESQ.	9	reason you don't understand any of my questions, do you understand that you can ask
11 BT. ROBERT C. SOLLIVAN, JR., ESQ.	11	me to stop, repeat, clarify my question; do you
12 JONES DAY	12	understand that?
13 Attorneys for Defendants	13	A Yes.
14 2822 Sand Hill Road, Suite 940	14	Q I am sure you had counsel giving
15 Menlo Park, California 94025	15	you some guidance about the processes and rules
16	16	for depositions. Let me just remind you of a
BY: THARAN GREGORY LANIER, ESQ.	17	couple of the other ground rules and ask you
18	18	some questions about your understanding.
20	20	First, do you understand that the oath you just took is the same oath with
21	21	
22	22	testifying in court in front of a judge?
23	23	A Yes.
24	24	Q Do you understand that I don't
25	25	want you to guess or speculate in answer to any
Page 3		Page 5
1 BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2 BENNY DALGAARD LOFT, called as	2	of my questions but to give me your best answer
3 a witness, having been first duly sworn by	3	based on your recollection as you sit here
4 the Notary Public, was examined and	4	today?
5 testified as follows:	5	A Um-hum.
6 7 EXAMINATION BY MR. LANIER:	6	Q That gets to our next one, do you understand that you need to give a response
8	8	the reporter can transcribe, a yes or a no or
9 Q Good morning, sir. We met	9	other words?
10 briefly before the deposition, but my name is	10	A Yes.
11 Greg Lanier, I am one the attorneys for	11	Q You will forget during the day,
12 Genencor and EDC in this case.		I will remind you or your counsel will remind
Would you state your full name	13	you, it happens all the time.
14 for the record, please?	14	We will go for a few hours
15 A It's Benny Dalgaard Loft.	15	today, I don't think any more than three or so
16 Q Mr. Loft, I'm going to ask you a 17 couple of questions that are for the record not	16 17	we will take breaks periodically. If you need to take a break at
18 intended to offend or anything like that, but	18	some point, please let me know. Typically we
19 the first is are you a native speaker of	19	don't take breaks between when I have asked you
20 English?	20	a question and when you have answered it, but
21 A No, I'm not a native speaker of	21	your counsel knows the rules about when that's
22 English.	22	all permitted and we will all stay together on
23 Q Are you comfortable testifying	23	that.
24 today in English?	24	Do you understand all that?
25 A Yes.	25	A Yes, I do.

2 (Pages 2 to 5)

Legalink, A Merrill Communications Company (800) 869-9132

	Page 6		Page 8
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	Q Is there any reason why you feel	2	them to be I will use those terms to refer
3	you are not able to testify competently today	3	to the same entity?
4	or you're feeling ill, you are not on	4	A I prefer if you could say
5	medication or anything like that?	5	Novozymes A/S and Novozymes North America.
6	A No.	6	Q That's fine, I will do that
7	Q What's your current employer?	7	then. If I forget and as a result of that if
8	A Novozymes A/S.	8	any of my questions are confusing, please tell
9	Q What's your position?	9	me, I will use the full name so we are very
10	A I am Vice President of Finance	10	clear on the record here.
11	and heading up IT also.	11	Would you describe generally
12	Q Information Technology?	12	what your responsibilities are in your
13	A Yes.	13	concurrent position?
14	Q Thank you.	14	A Heading up finance is, of
15	How long have you been in that	15	course, heading up a lot of stuff related to
16	position?	16	finance, being tax, treasury, consolidation,
17	A Which one of them?	17	but yeah.
18	Q Vice President of Finance?	18	And within IT it's responsible
19	A I've been there for six years.	19	for information technology at Novozymes, in
20	Q Were you employed at Novozymes	20	both jobs it's I'm the manager I'm the
21	before being Vice President of Finance?	21	leader of these two functions.
22	A Ask again, please.	22	Q I met a few weeks ago a fellow
23	Q Were you employed by Novozymes	23	named Richard Olofson; do you know him?
24	before you were Vice President of Finance?	24	A Yes.
25	A I was employed by Novo Nordisk,	25	Q Does he report to you?
	Page 7		Page 9
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	which was the company which was formed into two	2	A No.
3	companies, Novo Nordisk was a company which was	3	Q Does he report to someone that
4	demerged into two companies, Novozymes being	4	reports to you?
5	one of them, and I was becoming Vice President	5	A No.
6	at the demerger time six years ago.	6	Q Does Mr. Olofson report to you
7	Q So you have held that Vice	7	indirectly?
8	President of Finance position the entire time	8	A Yes.
9	that you have been at Novozymes A/S since the	9	Q How does that chain work?
10	demerger, correct?	10	A It works the way that I, as I
11	A That's correct.	11	said, have a leadership responsibility, I
12	Q How long have you had the IT	12	manage people in Denmark and these people are
13	position?	13	managed in Denmark, they receive information on
14	A Since May this year.	14 15	a monthly basis from individuals.
15	Q Before the demerger what was		Q So how many layers or levels of
16	your position with Novo Nordisk?	16 17	people are between you and Mr. Olofson? A Two.
17	A Director of consolidation and	18	
18	external reporting and production and inventory	19	Q What are the positions of those names and positions, if you remember them, of
19 20	and accounting and taxes.	20	the two layers of people between you and
1	Q I want you to spend a minute or two to get some nomenclature, some terms	21	Mr. Olofson?
21 22	straight between us so we are not confused as	22	A The position I have is Vice
23	we talk to each other today.	23	President and then the next lower position
24	During the course the day I may	24	would be director and beneath that will be
4	say Novozymes A/S or NZAS, do you recognize	25	manager.
25			

3 (Pages 6 to 9)

Legalink, A Merrill Communications Company (800) 869-9132

	Page 10	-	Page 12
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	Q So, who's the relevant director	2	one or more entities in the United States
3	that's between you and Mr. Olofson?	3	before the demerger, correct?
4	A It's the finance director of	4	A I don't remember the old
5	Novozymes North America.	5	structure of Novo Nordisk.
6	Q What's that person's name?	6	Q Do you remember when the entity
7	A It's Mike Pocanan.	7	that is currently Novozymes North America was
8	Q Then who's the relevant manager	8	formed?
9	that fits in there?	9	A When it was formed?
10	A I don't understand your	10	Q Yes.
11	question.	11	A I don't remember exactly when.
12	Q You had mentioned that there was	12	Q Was there the entity that is
13	a director position between you and Mr. Olofson	13	now Novozymes North America, was there a
14	and then a manager position between the	14	similar was there an entity in the Novo
15	director and Mr. Olofson; did I get that right?	15	Nordisk structure that became Novozymes North
16	A I don't think so, but try again.	16	America as part of the overall demerger
17	Q Does Mr. Olofson report to that	17	process?
18	director that you just mentioned?	18	A As far as I remember, yes.
19	A Yes.	19	Q Were you involved in any of the
20	Q Thank you, now I've got it.	20	decision-making about the creation and founding
21	Do you have any, you personally	21	of that North American entity that ultimately
22	have any day-to-day responsibilities in your	22	became Novozymes North America?
23	finance role that have anything to do	23	A I was part of the decision.
24	specifically with Novozymes North America?	24	Q What was the purpose for
25	A I think you have to I really	25	creating that entity?
	Page 11		Page 13
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	don't understand what you mean by direct or, if	2	A I don't remember.
3	you could rephrase it a little bit.	3	Q Do you remember when the
4	Q In doing your day-to-day job, do	4	decision was made?
5	any of the things that you do every day relate	5	A You have asked me that question
6	directly to the business and financial	6	before, no.
7	information of Novozymes North America,	7	Q When Novozymes when the
8	specifically that entity?	8	demerger transaction happened, was there any
9	A No.	9	thought given to changing the structure, other
10	Q Do you have an understanding of	10	than simply transitioning ownership to what
11	the structure by which Novozymes A/S ultimately	11	became the Novozymes A/S entity, was there any
12	owns Novozymes North America?	12	thought to changing the structure by which the
13	A I know the structure.	1	ultimate Danish parent company owned the United
14	Q What is the structure?	14	States entity that is now Novozymes North
15	A Novozymes A/S owns a holding	15	America? MR. SULLIVAN: Objection,
16	company in the U.S. which holds 100 percent	17	foundation.
17	shares in Novozymes North America.	18	
18	Q Was that structure in place,	19	A I understand why you did that. I have answered that question before. I don't
19	that basic structure in place before the	20	remember all the details behind it.
20	demerger?	21	Q In your current position do you
21	A For good reason it couldn't be.	22	have any job responsibilities that relate
22 23	Q What was the good reason?	23	specifically to the fuel ethanol industry?
. 2 4	A Novozymes did not exist,	1	
	Name and A/S did not exist	124	A Try to ask that question again.
24 25	Novozymes A/S did not exist. O Novo Nordisk owned an entity or	24	A Try to ask that question again, please?

4 (Pages 10 to 13)

1	Page 14		Page 1	. 6
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	Q Sure. Doing your job	2	Q Do you know anything about how	
3	day-to-day, do any of your job day-to-day tasks	3	Novozymes North America's sales of Liquozyme	
4	involve decisions or matters specifically	4	have changed over time, gone up, gone down?	
5	relating to the fuel ethanol market?	5	A No.	
6	A I think I need to understand	6	Q The answer was no?	ı
7	what you mean by day-to-day work.	7	A No.	l
8	Q I meant it in a very pedestrian	8	Q One caution I need to give you	
9	sense, you walk into your office one morning	9	is occasionally my questions will trail off and	
10	and do the job that you do and on a regular	10	I will add a qualifier or another clause, so	l
11	basis there are probably tasks that you do more	11	I'll need to finish my whole question, that's	
12	than once, I don't know what they are, in the	12	why I may occasionally ask you to reanswer it	
13	ordinary course you walk into your office or do	13	once I get my whole question out.	
14	your job, do the things that you do regularly	14	By that same token, if I have	
15	relate specifically, any of them, relate	15	interrupted any of your answers, please tell me	ı
16	specifically to the fuel ethanol industry?	16	and it's my job to make sure you get to answer	
17	A On a recurring basis, no.	17	the question completely; do you understand all	
18	Q What did you mean by on a	18	that?	
19 20	recurring basis?	19	A Yes.	ı
21	A Meaning that the way that I work	21	Q Thank you, sir.	ı
22	would be that I manage other people and from time to time there could turn out to be	22	I am going to show you a document that has been marked as Exhibit 1 to	000000
23	questions in respect of the bio-enzyme	23	your deposition.	
24	business.	24	MR. LANIER: Rob, on a logistical	ľ
25	Q Do you have any personal	25	note, I am just going to, for today's	
	Page 15		Page 1	-,
1			——————————————————————————————————————	1
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	/
1 2	BENNY LOFT - HIGHLY CONFIDENTIAL knowledge or familiarity with a competition	1 2	BENNY LOFT - HIGHLY CONFIDENTIAL two depositions, we are going to mark	1 1000000000000000000000000000000000000
2	knowledge or familiarity with a competition	2	two depositions, we are going to mark	
ž			two depositions, we are going to mark them Loft 1 through whatever and Meyer 1	
2 3	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets?	2 3	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep	
2 3 4	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets?	2 3 4	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1	A CONTRACTOR OF THE PROPERTY O
2 3 4 5	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question	2 3 4 5	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence.	*** CANADA CANAD
2 3 4 5 6	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition	2 3 4 5 6 7 8	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript,	**************************************
2 3 4 5 6 7 8 9	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes	2 3 4 5 6 7 8 9	two depositions, we are going to mark them Loft! through whatever and Meyer! through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as	TO A SECURITY OF
2 3 4 5 6 7 8 9	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the	2 3 4 5 6 7 8 9	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential.	*** AND AND A PARTY OF AN ALL MANAGES AND ADDRESS AND
2 3 4 5 6 7 8 9 10	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the	2 3 4 5 6 7 8 9 10	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one	*** ANSAMA CASA HA EN DE CONTRACTOR A DESCRIPTOR SURMONS EXTIT CONTRACTOR SOCIAL SOCIAL VICTOR OF A CONTRACTOR
2 3 4 5 6 7 8 9 10 11 12	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States?	2 3 4 5 6 7 8 9 10 11 12	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the	TANSAN ARABAMAN TANSAN TANSAN BARBAMAN SI JANSAN BARBAMAN
2 3 4 5 6 7 8 9 10 11 12 13	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge.	2 3 4 5 6 7 8 9 10 11 12 13	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will	MASSAM FOR INTERPOLEMENTAL MASSAM FOR SURVINOS STATES SESSONIA PROMYRO PER POLOS SURVINOS SESSONIAS SESSON
2 3 4 5 6 7 8 9 10 11 12 13	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally	2 3 4 5 6 7 8 9 10 11 12 13	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to	MASSAGE AT THE PROPERTY STATES AND A STATES
2 3 4 5 6 7 8 9 10 11 12 13 14 15	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that	2 3 4 5 6 7 8 9 10 11 12 13 14 15	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away.	TANSAN HAR KITA TANSAN ITANAK SITERIFI HIRAKA KITI KITARIKA KITARIKA KITARIKA KITARIKA KITARIKA KITARIKA KITARI
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was	TARASSA TERMINANTI SIAMAN SI PERMUNINANTI MISPORTAN PERMUNINANTI PERMU
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification,	TANDAM TERMINANDA (INTERNATIONAL SIR) MANAGARI BENARGA (BERMANDA TIMO) SIR BIRTHA SANDAM BANDAN BAND
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17 18	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.)	takkaan takun a a belajan habidi sida elem sugawa sindi desenden anowaya en trongsay jenan da say desinda say sa da say d
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17 18 19	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across	SARASSA TERMILIBIA SALIMENTE ELEMENTE HANDE STATES OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFI
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17 18 19 20	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America sells in that market?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across to you, is Novozymes A/S's responses to	SARAMA PERANTI SARAH DENGAN PERANTI SERIAN PERANTI
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America sells in that market? A If I know the name of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across to you, is Novozymes A/S's responses to interrogatories, those are questions that we	SANSAM FOR IT IS SENSE STORES THE CONTROL OF THE CO
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America sells in that market? A If I know the name of the product, or what is the question?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across to you, is Novozymes A/S's responses to interrogatories, those are questions that we lawyers put to Novozymes A/S in this	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America sells in that market? A If I know the name of the product, or what is the question? Q Beyond knowing the name of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across to you, is Novozymes A/S's responses to interrogatories, those are questions that we lawyers put to Novozymes A/S in this litigation.	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22	knowledge or familiarity with a competition between Novozymes North America and Genencor in the United States fuel ethanol markets? A If I try to ask that question again, please. Q Sure. Do you personally know anything about the competition, the competition in the day-to-day marketplace between Novozymes North America and Genencor specifically in the field of fuel ethanol, specifically in the United States? A No detailed knowledge. Q Do you know anything personally about the products that Genencor sells in that market? A No. Q Do you know anything personally about the products that Novozymes North America sells in that market? A If I know the name of the product, or what is the question?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	two depositions, we are going to mark them Loft 1 through whatever and Meyer 1 through whatever rather than try to keep in any sequence. MR. SULLIVAN: That's fine. Let me just mention again that we would like to designate this entire transcript, including your exhibits, as confidential, highly confidential. MR. LANIER: Well, this first one hasn't been marked that, I get the general designation point and we will deal with that as we get closer to trial, which is not very far away. (The above described document was marked Loft Exhibit 1 for identification, as of this date.) Q Loft 1, let me shoot that across to you, is Novozymes A/S's responses to interrogatories, those are questions that we lawyers put to Novozymes A/S in this	

5 (Pages 14 to 17)

BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Do Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. BENNY LOFT - HIGHLY CONFIDENTIAL Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you	2	Page 18		Page 20
you ever seen it before? A No. Q I'm going to draw your attention to some specific questions in this, give you the opportunity to read the question and answer first then ask you a little about them, so if you would turn first to Page 6 of the document. It's interrogatory number 29. Please read that to us, the question and the answer, please. A Hold on, I'm getting it. Q No problem. Please read murber 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. Q Yes, A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to - during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or In this response, if you will turn to Page 4, there is that list of items that follow open bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points down there is to a time that follow open bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q Three bullet points, continues on to Page 4? A Um-hum. Yes. Q There bullet points, continues on to Page 4? A Um-hum. Yes. Q There bullet points, continues on to Page 4. A Um-hum. Yes. Q There bullet points, continues on to Page 4? A Um-hum. Yes. Q The bullet points, content on the ut.S. A Um-hum. Yes. Q There bu	2		1	RENNY LOFT - HIGHLY CONFIDENTIAL
A No. Q I'm going to draw your attention to some specific questions in this, give you the opportunity to read the question and answer first then ask you a little about them, so if you would turn first to Page 6 of the document. It's interrogatory number 29. Please read that to us, the question and the answer, please. A Hold on, I'm getting it. Q No problem. Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. Q Yes. A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to - during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. Yes. A Um-hum devation and that is to you for bonk on there is one that asys "Novozymes A/S directly make sales of those products in the United States? A I see it. Does Novozymes A/S directly make sales of those products in the United States? A I would not answer. A But I don't know the answer to the question. If you understand the question, you can answer is that Jisy ou don't know the answer to the question and that's fine. So I will ask you questions, your a				·
A Q I'm going to draw your attention to some specific questions in this, give you to some specific questions and answer first then ask you a little about them, so if you would turn first to Page 6 of the document. You would turn first to Page 6 of the document.			i	
to some specific questions in this, give you the opportunity to read the question and answer first then ask you a little about them, so if you would turn first to Page 6 of the document. It's interrogatory number 29. Please read that to us, the question and the answer, please. A Hold on, I'm getting it. Q No problem. Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. Q Yes. A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. Yes. Q Three bullet points down there is one that says "Novozymes A/S competes in the U.S. fuel ethanol alpha amylase market by selling, inter alia, Liquozyme SC, Liquozyme subsidiary NZNA;" do you see it? A I see it. Does Novozymes A/S cliquozyme SC, Liquozyme MR. SulLLIVAN: Objection to foundation. Q If you know the answer to the question you may answer it. Q If you know the answer to the form of the question, you can answer it, if you can. Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. B A Um-hum. Yes. Q Three bullet pollet sole that says "Novozymes A/S competes in the U.S. fuel ethanol alpha amylase market by selling, inter alia, Liquozyme SC, Liquozyme SC, Liquozyme SC, Liquozyme SC, Liquozyme SC, Liquozyme SC, lavies of those products in the U.S. fuel ethanol alpha maylase market by Subsidiary NZNA;" do you see it? A I see it. Does Novoz	ł		1	
the opportunity to read the question and answer first then ask you a little about them, so if you would turn first to Page 6 of the document. It's interrogatory number 29. Please read that to us, the question and the answer, please. A Hold on, I'm getting it. Q No problem. Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? A And that will be this, correct? A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum.	i	O rm going to draw your attention	į i	
first then ask you a little about them, so if you would turn first to Page 6 of the document. It's interrogatory number 29. Please read that to us, the question and the answer, please. A Hold on, I'm getting it. Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum.	1		}	
8 you would turn first to Page 6 of the document. 9 It's interrogatory number 29. 10 Please read that to us, the question and the answer, please. 11 answer, please. 12 A Hold on, I'm getting it. 13 Q No problem. 14 Please read number 29 to 15 yourself, the question and the answer and tell 16 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 Page Pa	Į.			
9 It's interrogatory number 29. 10 Please read that to us, the question and the answer, please. 21 A Hold on, I'm getting it. 22 A Hold on, I'm getting it. 33 Q No problem. 4 Please read number 29 to 34 yourself, the question and the answer and tell 5 yourself, the question and the answer and tell 6 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 9 selling, inter alia, Liquozyme SC, Liquozyme NX and Termamyl SC through its US 10 DS, Liquozyme NX and Termamyl SC through its US 11 subsidiary NZNA;" do you see it? 12 A I see it. Does Novozymes A/S 13 directly make sales of those products in the 14 United States? MR. SULLIVAN: Objection to 16 foundation. Q If you know the answer to the 18 question you may answer: 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting 21 to the form of the question, you can answer 22 it, if you can. 23 ti, if you can. 24 A But I don't know the answer to 25 the question. Page 19 Page Pa	i	HIST then ask you a fittle about them, so if	ŧ.	
10 Please read that to us, the question and the 11 answer, please. 12 A Hold on, I'm getting it. 13 Q No problem. 14 Please read number 29 to 15 yourself, the question and the answer and tell 16 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 10 DS, Liquozyme NX and Termamyl SC through its Us subsidiary NZNA;" do you see it? A I see it. Does Novozymes A/S 12 A I see it. Does Novozymes A/S 13 directly make sales of those products in the 14 United States? 15 MR. SULLIVAN: Objection to foundation. Q If you know the answer to the question, you can answer it. 19 A I would not answer. 10 DS, Liquozyme NX and Termamyl SC through its Us subsidiary NZNA;" do you see it? 11 A I see it. Does Novozymes A/S 12 MR. SULLIVAN: Objection to foundation. 13 If you can. 14 A I would not answer. 15 MR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question in tyou can. 16 A But I don't know the answer to the question. 17 A I will do that. 18 Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer ten that's an answer to the question and that's fine. 18 So I will ask you questions, you and answer to the question in the first an answer to the question in the first and the question in the first you and the question in the first and the question in the question in the first you don't know the answer to the question. 19 Q And that, to be fair, as I am sure your lawyer has told you, i		you would furn first to rage o of the document.	3	
11 answer, please. 12 A Hold on, I'm getting it. 13 Q No problem. 14 Please read number 29 to 15 yourself, the question and the answer and tell 16 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a 8 few names after that? A Um-hum. 11 subsidiary NZNA;" do you see it? A I see it. Does Novozymes A/S directly make sales of those products in the United States? MR. SULLIVAN: Objection to foundation. Q If you know the answer to the question you may answer it. 4 A I would not answer. MR. SULLIVAN: I'm just objecting to the form of the question. If you anderstand the question, you can answer it, if you can. A But I don't know the answer to the question. Page 19 Page 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 3 sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you			!	
12 A Hold on, I'm getting it. 13 Q No problem. 14 Please read number 29 to 25 yourself, the question and the answer and tell 16 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 12 A I see it. Does Novozymes A/S directly make sales of those products in the United States? MR. SULLIVAN: Objection to foundation. 17 Q If you know the answer to the question you may answer it. 18 Q J fou know the answer. 20 AR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question, you can answer it, if you can. 22 A But I don't know the answer to 23 A But I don't know the answer to 24 A But I don't know the answer to 25 The paragraph of the response a reference to interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum.		Ţ.	1	
Q No problem. Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. MR. SULLIVAN: Yes. Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q O Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um:hum. I directly make sales of those products in the United States? I United States? United States? A I would not answer to the question. If you understand the question, you can answer it, if you can. A But I don't know the answer to the question. Page 19 Page Page Page Page Page Page A I would not answer. B Is How I would not answer. A But I don't know the answer to the question. BENNY LOFT - HIGHLY CONFIDENTIAL Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you	•		1	A Tsee it Does Novozymes A/S
Please read number 29 to yourself, the question and the answer and tell me when you are done. A And that will be this, correct? MR. SULLIVAN: Yes. Q Yes. A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you a ened to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. I United States? MR. SULLIVAN: Objection to foundation. 17 Q If you know the answer to the question you may answer it. 18 question you may answer it. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting to the form of the question, If you understand the question, you can answer it, if you can. 21 a to the form of the question, you can answer it, if you can. 22 A But I don't know the answer to the question. Page 19 Page 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Understand them, tell us and we will let you do it. 3 Sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you	1		1	
15 yourself, the question and the answer and tell 16 me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 15 MR. SULLIVAN: Objection to foundation. 16 foundation. 17 Q If you know the answer to the question you may answer it. 18 question you may answer it. 18 question you may answer it. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question, you can answer it, if you can. 21 A But I don't know the answer to the question. 22 Page 19 Page	}	* *	}	
me when you are done. 17 A And that will be this, correct? 18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 16 foundation. 17 Q If you know the answer to the question you may answer it. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting to to the form of the question. If you understand the question, you can answer it, if you can. 24 A But I don't know the answer to the question. Page 19 Page 19 Page 19 Page 19 Page 19 Page 19 Senny LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum.	ŧ		1	
17				
18 MR. SULLIVAN: Yes. 19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 18 question you may answer it. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question, you can answer it. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question, you can answer it. 19 A But I don't know the answer to 25 the question. 24 A But I don't know the answer to 25 the question. 25 Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			1	
19 Q Yes. 20 A Yes, I have read it, I might be 21 asking to read it again. 22 Q Of course, if you need to 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 19 A I would not answer. 20 MR. SULLIVAN: I'm just objecting 21 to the form of the question. If you 22 understand the question, you can answer it, if you can. 24 A But I don't know the answer to 25 the question. Page 19 Page 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Q And that, to be fair, as I am 3 sure your lawyer has told you, if your answer is that you don't know the answer then that's 3 an answer to the question and that's fine. 4 So I will ask you questions, 4 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			ì	` .
A Yes, I have read it, I might be asking to read it again. Q Of course, if you need to during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. Day MR. SULLIVAN: I'm just objecting to the form of the question. If you understand the question, you can answer it, if you can. BENNY LOFT - HIGHLY CONFIDENTIAL D Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum.			:	
asking to read it again. 2			i	
22 understand the question, you can answer 23 during the course of your time together, if you 24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. A I will do that. Q Do you note, sir, in the first 5 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 22 understand the question, you can answer 1t, if you can. 24 A But I don't know the answer to 25 the question. Page 19 Page 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Q And that, to be fair, as I am 3 sure your lawyer has told you, if your answer 4 is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			1	
during the course of your time together, if you need to read or reread anything I've given you so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Q Do you note, sir, in the first paragraph of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. 23 it, if you can. 24 A But I don't know the answer to the question. Page 19 Page 25 Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you			i	
24 need to read or reread anything I've given you 25 so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL 2 understand them, tell us and we will let you do 3 it. A I will do that. D Do you note, sir, in the first paragraph of the response a reference to 7 interrogatory number 25 and your name follows a few names after that? A Um-hum. 24 A But I don't know the answer to 25 the question. Page 19 Page 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Q And that, to be fair, as I am 3 sure your lawyer has told you, if your answer 4 is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you				
25 so you can properly answer my questions or Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Degray of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. Degray 19 BENNY LOFT - HIGHLY CONFIDENTIAL Degray of the question. BENNY LOFT - HIGHLY CONFIDENTIAL Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you		need to read or reread anything I've given you	1	
Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Description of the response a reference to interrogatory number 25 and your name follows a few names after that? A Um-hum. Page 19 BENNY LOFT - HIGHLY CONFIDENTIAL Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you		so you can properly answer my questions or	1	
BENNY LOFT - HIGHLY CONFIDENTIAL understand them, tell us and we will let you do it. A I will do that. Deparagraph of the response a reference to rinterrogatory number 25 and your name follows a few names after that? A Um-hum. BENNY LOFT - HIGHLY CONFIDENTIAL Q And that, to be fair, as I am sure your lawyer has told you, if your answer is that you don't know the answer then that's an answer to the question and that's fine. So I will ask you questions, your attorney may make objections during the day, if he tells you not to answer, and he will explain this to you if he needs to, then you				Page 21
2 understand them, tell us and we will let you do 3 it. 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a few names after that? 9 A Um-hum. 2 Q And that, to be fair, as I am 3 sure your lawyer has told you, if your answer 4 is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you	١,		1	RENNY LOFT - HIGHLY CONFIDENTIAL
3 sure your lawyer has told you, if your answer 4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 3 sure your lawyer has told you, if your answer 4 is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			į.	
4 A I will do that. 5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 4 is that you don't know the answer then that's 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			Į.	
5 Q Do you note, sir, in the first 6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 5 an answer to the question and that's fine. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you	1		ļ	
6 paragraph of the response a reference to 7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 6 So I will ask you questions, 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you			1	
7 interrogatory number 25 and your name follows a 8 few names after that? 9 A Um-hum. 7 your attorney may make objections during the 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you	1		Į.	
8 few names after that? 9 A Um-hum. 8 day, if he tells you not to answer, and he will 9 explain this to you if he needs to, then you	5			
9 A Um-hum. 9 explain this to you if he needs to, then you	5 6		1	
100 to 1 to 100	5 6	tew names atter that?	_	
	5 6 7 8		9	explain this to you if he needs to, then you
	56789	A Um-hum.		
12 O You need to say yes or no. Did 12 still need to answer.	5 6 7 8 9	A Um-hum. Q Was that a yes?	10	don't need to answer. If he objects for the
	5 6 7 8 9 10 11	A Um-hum. O Was that a yes? A What is your question?	10 11	don't need to answer. If he objects for the record, which sometimes we lawyers do, you
	5 6 7 8 9 10 11 12	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did	10 11 12	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer.
15 O Do you see your name there, sir? 15 that's fine.	5 6 7 8 9 10 11 12 13	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that?	10 11 12 13	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know
16 A I can see my name. 16 So, if you don't know the answer	5 6 7 8 9 10 11 12 13 14	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question?	10 11 12 13 14	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine.
17 O Thank you. 17 to that question, fair enough.	5 6 7 8 9 10 11 12 13 14 15	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir?	0123456	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer
18 Let's turn to interrogatory 18 Let's look at the next bullet	5 6 7 8 9 10 11 12 13 14 15 6	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name.	10 11 12 13 14 15 16 17	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough.
19 number 25. Take a moment, read the question 19 point, the fourth one down says, "As a general	5 6 7 8 9 10 11 12 13 144 15 16 17	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory	10 11 12 13 14 15 16 17 18	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet
20 and answer, it starts on Page 3 and it goes to 20 company policy Novozymes A/S does not license	5 6 7 8 9 10 11 12 13 144 15 16 17 18	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory	10 11 12 13 14 15 16 17 18	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general
21 about the middle of Page 4. Please tell me 21 its core technology, including industrial	5 6 7 8 9 10 111 12 13 144 15 16 17 18 19	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory number 25. Take a moment, read the question	10 11 12 13 14 15 16 17 18 19 20	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general company policy Novozymes A/S does not license
	5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory number 25. Take a moment, read the question and answer, it starts on Page 3 and it goes to	10 11 12 13 14 15 16 17 18 19 20 21	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general company policy Novozymes A/S does not license its core technology, including industrial
23 A I have read it. 23 Do you see that?	5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory number 25. Take a moment, read the question and answer, it starts on Page 3 and it goes to about the middle of Page 4. Please tell me when you are done.	10 11 12 13 14 15 16 17 18 19 20 21 22	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general company policy Novozymes A/S does not license its core technology, including industrial enzymes, outside of its corporate family."
1	5 6 7 8 9 10 111 122 133 144 155 166 177 188 199 200 21 22 23	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory number 25. Take a moment, read the question and answer, it starts on Page 3 and it goes to about the middle of Page 4. Please tell me when you are done. A I have read it.	10 11 12 13 14 15 16 17 18 19 20 21 22 23	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general company policy Novozymes A/S does not license its core technology, including industrial enzymes, outside of its corporate family." Do you see that?
25 you about a couple of specific things that are 25 Q Do you know what is meant by	5 6 7 8 9 10 11 12 13 144 15 16 17 18 19 20 21 22 23 24	A Um-hum. Q Was that a yes? A What is your question? Q You need to say yes or no. Did you notice that? A To which question? Q Do you see your name there, sir? A I can see my name. Q Thank you. Let's turn to interrogatory number 25. Take a moment, read the question and answer, it starts on Page 3 and it goes to about the middle of Page 4. Please tell me when you are done. A I have read it. Q Thank you, sir. I want to ask	10 11 12 13 14 15 16 17 18 19 20 21 22 24	don't need to answer. If he objects for the record, which sometimes we lawyers do, you still need to answer. If it turns out you don't know an answer, so be it, that's your answer and that's fine. So, if you don't know the answer to that question, fair enough. Let's look at the next bullet point, the fourth one down says, "As a general company policy Novozymes A/S does not license its core technology, including industrial enzymes, outside of its corporate family." Do you see that? A Yes.

6 (Pages 18 to 21)

ĺ	Dogo 22		D 04
	Page 22		Page 24
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	core technology?	2	patent?
3	A No.	3	A No.
4	Q Have you ever been involved in	4	Q Are you, yourself, involved in
5	discussions within Novozymes about whether the	5	any of Novozymes A/S's licensing of
7	patent that's at issue in this lawsuit that brings us together, the '031 patent is core	7	intellectual property, either licensing out or
8	technology?	8	licensing in? A No.
9	A Ask again, please?	9	
10	Q Sure. Have you ever been	10	Can I, just to make sure that I am answering, what do you mean by involved in?
11	involved in any discussions within Novozymes	11	Q Let me ask you about a few
12	about whether the patent that's involved in the	12	specific ways, you might be involved and we
13	lawsuit that's the reason you and I are here	13	will find out.
14	together today, whether that specific patent is	14	Do you personally ever get
15	core technology as referenced in this bullet	15	involved in decisions should Novozymes grant a
16	point we just read?	16	particular license of its technology?
17	A I have to ask you to ask the	17	A What do you mean by involved in?
18	question again, please.	18	Q Be a participant in the
19	Q Sure.	19	decision-making process, be a part of a
20	Let me break it down into some	20	discussion, written or oral, about should we
21	smaller parts and see if that helps us.	21	grant this particular license, for example?
22	You are aware, sir, are you not,	22	A If there is any economic stuff
23	that we are here together because of a lawsuit,	23	involved, I might be asked about the economic
24	is that correct?	24	impact.
25	A That's correct.	25	Q Like how much money might we
	Page 23		Page 25
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	Q Are you aware that the lawsuit	2	make if we got this license, is that what you
3	relates to Novozymes A/S asserting that	3	mean?
4	Genencor and EDC infringe a patent owned by	4	A Yes.
5	Novozymes A/S?	5	Q Do you or does someone in your
6	A That's correct; I know that.	6	group keep track of the license rates that
7	Q During the course our time	7	Novozymes charges when it licenses its
8	together I may refer to that patent by a	8	technology?
9 10	number, the shorthand we lawyers use in this	9	MR. SULLIVAN: Objection, foundation.
11	case is the '031 patent; are you familiar at all with the '031 patent itself?	11	A If we keep track of our
12	A No.	12	licenses, yes.
13	Q Do you know anything about what	13	Q Do you, yourself, know anything
14	technology it covers or the claims or anything	14	about the percentage royalty rates?
15	like that?	15	A No, I don't.
16	A No.	16	Q Do you know whether Novozymes
17	Q Have you ever been involved in	17	A/S has a policy about what percentage royalty
18	any discussions within the company about what	18	rates it will charge, never less than this
19	is Novozymes A/S' core technology?	19	never more than this, something like that?
20	A What do you mean by discussion?	20	MR. SULLIVAN: Objection to
21	Q Conversation?	21	foundation.
22	A I would have overheard a	22	A I'm not aware of any policy.
23	conversation about core technology, but I don't	23	Q Other than the discussion of the
24	recall it in this connection.	24	potential economic consequences of granting a
25	Q In connection with the '031	25	license, are you ever involved in other

7 (Pages 22 to 25)

Legalink, A Merrill Communications Company (800) 869-9132

	Page 26		Page 2	:8
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	conversations or decision-making about whether	2	agreements over time, what would you do?	
3	to grant a license?	3	A I would go to our legal	
4	A Please ask again.	4	department in Kopenhavn and ask.	
5	Q Sure.	5	Q Have we granted any licenses?	
6	Occasionally there may be	6	A Yes.	
7	discussions about should we grant a license to,	7	Q Let's look at the next bullet	
8	say, Genencor, for example, because they are a	8	point, it's the fifth one down, it says, "NZNA	
9	competitor of ours and how does that affect	9	has always been and continues to be, is the	
10	whether we want to give them a license, are you	10	sole licensee of the '031 patent."	
11	involved in discussions like that about	11	Do you see that?	
12	Novozymes' licenses?	12	A Yes.	
13	A To be honest, I don't really	13	Q Do you know whether that is true	
14	understand your question.	14	or not?	
15	Q Let me try it a little	15	A No.	
16	differently then to make sure I am asking it	16	Q The next bullet point down,	
17	properly.	17	"Novozymes A/S has no intent to license the	
18	You are aware, sir, are you not,	18	'031 patent outside of its corporate family."	
19	that over time Novozymes A/S has granted	19	Do you know whether that is true	
20	certain licenses to its technology to other	20	or not?	
21	companies?	21	A No.	
22	A Yes.	22	Q The next bullet point, I won't	
23	Q You are generally aware of that,	23	read the whole thing in there, it's the seventh	
24	correct?	24	one down, it refers to an implied exclusive	
25	A Yes.	25	right.	
	Page 27		Page 2	9
**************************************	Page 27 BENNY LOFT - HIGHLY CONFIDENTIAL	1	Page 2 BENNY LOFT - HIGHLY CONFIDENTIAL	9
1 2	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the	2		9
}	BENNY LOFT - HIGHLY CONFIDENTIAL	t .	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes.	9
2	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific	2 3 4	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by	9
2 3 4 5	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this	2 3 4 5	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there?	9
2 3 4 5 6	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license?	2 3 4 5 6	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No.	9
2 3 4 5 6 7	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any.	2 3 4 5 6 7	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will	9
2 3 4 5 6 7 8	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved,	2 3 4 5 6 7 8	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you	9
2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall	2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the	9
2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in	2 3 4 5 6 7 8 9 10	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market,	, o
2 3 4 5 6 7 8 9 10	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to	2 3 4 5 6 7 8 9 10 11	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the	9
2 3 4 5 6 7 8 9 10 11 12	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology?	2 3 4 5 6 7 8 9 10 11 12	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent	9
2 3 4 5 6 7 8 9 10 11 12 13	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by	2 3 4 5 6 7 8 9 10 11 12 13	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel	9
2 3 4 5 6 7 8 9 10 11 12 13 14	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in?	2 3 4 5 6 7 8 9 10 11 12 13 14	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market."	9
2 3 4 5 6 7 8 9 10 11 12 13 14 15	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing	2 3 4 5 6 7 8 9 10 11 12 13 14 15	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in	9
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part.	9
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about	9
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is	9
2 3 4 5 6 7 8 9 10 11 12 13 14 15 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the	9
2 3 4 5 6 7 8 9 10 1 12 13 14 15 16 17 18 19 20	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a participant, is that correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the fuel ethanol amylase market?	9
2 3 4 5 6 7 8 9 10 1 12 13 14 15 16 17 18 19 20 21	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a participant, is that correct? A That's correct.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the fuel ethanol amylase market? A As I stated, I have no knowledge	O)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a participant, is that correct? A That's correct. Q If you wanted to know, if you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the fuel ethanol amylase market? A As I stated, I have no knowledge about the '031 patent, so I would not be able	<u>O</u>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a participant, is that correct? A That's correct. Q If you wanted to know, if you got back to Denmark and you wanted to know the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the fuel ethanol amylase market? A As I stated, I have no knowledge about the '031 patent, so I would not be able to answer that question either.	0)
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BENNY LOFT - HIGHLY CONFIDENTIAL Q Do you recall, putting aside the specific circumstance for a minute, do you recall ever being involved in a specific decision we should grant or not grant this particular license? A I don't recall any. Q Have you ever been involved, without telling me anything that you may recall about it first, have you ever been involved in discussions about whether to grant a license to Genencor for any particular technology? A Again, what do you mean by involved in? Q A speaking or writing participant in some sort of communication? A No. Q So, you are aware discussions may take place, but you yourself are not a participant, is that correct? A That's correct. Q If you wanted to know, if you got back to Denmark and you wanted to know the answer to what are the royalty rates that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 20 21 22 23	BENNY LOFT - HIGHLY CONFIDENTIAL Do you see that? A Yes. Q Do you know what's meant by implied exclusive right there? A No. Q Further down it reads I will read the whole one in because I need to ask you about something later on in, "NZNA has the implied exclusive right to produce, market, sell and distribute products covered by the patent claims in Novozymes A/S' patent portfolio in order to compete in the U.S. fuel ethanol alpha amylase market." I'm asking you about the in order to compete part. Do you know anything about whether the coverage under the '031 patent is in any way necessary for NZNA to compete in the fuel ethanol amylase market? A As I stated, I have no knowledge about the '031 patent, so I would not be able to answer that question either.	<u></u> О

8 (Pages 26 to 29)

Legalink, A Merrill Communications Company (800) 869-9132

	Page 30	-	Page 3.	2
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	whether a particular Novozymes product, let's	2	So in the carryover bullet	
3	say the NZNA product Liquozyme was covered by a	3	points on Page 5, the second one down,	
4	particular patent of Novozymes, say the '031	4	"Novozymes A/S controls the profits earned and	
5	patent, what would you do to find out the	5	cash received by NZNA;" do you see that, sir?	
6	answer to that question?	6	A Yes.	
7	A Ask again, please.	7	Q When NZNA, Novozymes North	;
8	Q Sure. Referring to the patent	8	America receives cash, does it account for it	
9	that's at issue in this case, the '031 patent,	9	separately from cash received by other	
10	if you, yourself, wanted to know the answer to	10	Novozymes A/S entities?	
11	the question, does the '031 patent cover the	11	A What do you mean by if Novozymes	
12	Liquozyme product?	12	North America receives cash?	ı
13	A Yes.	13	Q Sure.	
14	Q What would you do to get that	14	Novozymes North America sells	
15	answer?	15	products, does it not?	-
16	A I would go to our legal	16	A Yes.	
17	department in Kopenhavn.	17	Q So, at some point in that	
18	Q Next bullet point down,	18	process hopefully Novozymes North America is	
19	"Novozymes produces, markets and sells products	19	paid cash, correct?	
20	covered by a Novozymes A/S patent closely	20	A Yes.	
21	related to the '031 patent falling within the	21	Q Other Novozymes A/S entities may	
22	same family of patents as the '031 patent."	22	also sell products and receive cash, correct?	
23	Do you know what patent is	23	A Um-hum.	
24	referred to there?	24	Q Is that a yes?	١
25	A No.	25	A Yes, that's a yes.	
	Page 31		Page 33	}
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	ĺ
2	Q Next bullet point down, and the	2	Q When that cash is received, some	
3	last one in this section, "NZNA has an implied	3	cash is received by Novozymes North America,	ı
4	exclusive license to the '031 patent."	4	some cash is received by some other Novozymes	I
5	Do you know what's meant by	5 6	A/S entity.	
6 7	implied exclusive license?	7.	Is that cash put into when it comes in the door is it put into the same bank	
8	A Still no. Q Let's turn to interrogatory	8	account?	
9	number 26. If you want to check, interrogatory	9	A It's in control of Novozymes A/S	
10	number 29, this is one of the interrogatories	10	and they are all affiliates in the group is	Ì
11	where you were said to be someone who knew	11	required to put the receipts to a Novozymes A/S	
12	something about it, please read interrogatory		controlled account.	
13	number 26 and the response that goes over to	13	Q Let me be I understand that,	
14	Page 5 and tell me when you are done.	14	let me focus on some more specific details	
15	A I have read it. Part of the	15	here.	1
16	sentence I do not understand, all the	16	They are required to put it in a	I
17	references and stuff.	17	controlled account. Does each Novozymes entity	1
18	Q I will direct you to a few	18	have its own account or accounts that	I
19	specific things, if there is something you	19	ultimately are controlled by A/S?	
20	don't understand about those, please let me	20	A I say it's to a controlled	
21	know.	21	account, they basically have to place the money	1
22	A Yes.	22	at Novozymes A/S and then we will define what	
23	Q I would like to turn to Page 5	23	to do with the money.	1
24	again, I am going to ask you about one or two	24	Q I will ask you some really	
25	of the bullet points in the answer to this one.	25	granular, specific questions. Somebody in	┛

9 (Pages 30 to 33)

BENNY LOFT - HIGHLY CONFIDENTIAL Nebraska writes a check for some Liquozyme, you write a check and they mail it to Novozymes North America to pay for this Liquozyme that they bought. Mant does Novozymes North America do with that check? A Put it into the bank account? A I don't know. I Q And where is that bank account? A I don't know. I Q Ultimately some or all of the cash surplus that exists in North America gets is put into bank accounts controlled by Novozymes A/S, correct? A I think, just to be clear, the cash surplus that exists in North America, the cash surplus that exists in North America, Novozymes North America, the cash surplus locally in North Carolina, but the cash surplus locally in North Carolina and make the locally in North Carolina and maybe the locally in North Carolina but the cash surplus locally in North Carolina but the cash surplus locally in North Carolina but l		Page 34	l	Page 36	5
2 Novozymes A/S keep track of which of its 3 variae acheck and they mail it to Novozymes A/S keep track of which of its 3 variate acheck and they mail it to Novozymes A/S keep track of which of its 3 variate face with that check and they much? A Put it into the bank account? Q And where is that bank account? A I don't know. Q Ultimately some or all of the cash surplus cash that Novozymes North America gets is put it into bank accounts controlled by Novozymes A/S, correct? A I think, just to be clear, the cash surplus that exists in North America, Novozymes North America, the cash surplus, that could consist of different bank accounts in North Carolina, but the cash surplus also have a drawing right, might be, I don't know, but it could be, so it's just in, general BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the opporating expenses of Novozymes North America are paid from bank accounts in the United States, a many of the context in the intention of the context in the context i	1		1	·	
3 write a check and they mail it to Novozymes North 4 North America to pay for this Liquozyme that they bought. 5 What does Novozymes North 6 What does Novozymes North 7 America do with that check? 8 A Put it into the bank account. 9 Q And where is that bank account? 10 A I don't know. 11 Q Ultimately some or all of the cash that Novozymes North America gets is put into that accounts controlled by Novozymes A/S, correct? 14 could consist of different bank accounts to could consist of different bank accounts they of course, a surplus? 15 Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. 16 Q What is the purpose for doing that could consist of different bank accounts to the varie required to place at Novozymes North America, susplus? 16 Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. 17 Novozymes North America with they, of course, a label to trace where the money is coming from. 18 Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. 19 Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. 20 What is the purpose for doing that? 21 A Because it seem thave to be lear, the large to trace where the money is coming from. 21 A Because it seem thave to be leagh - the legal company, Novozymes North America is paid test say surplus? 22 A It means that they, of course, a label to trace where the money is coming from. 23 A It means that they, of course, a label to trace where the money is coming from. 24 Store required to place at Novozymes A/S. 25 Who makes the decision about when to down the surplus and	3		1		
4 North America to pay for this Liquozyme that they bought. 5 What does Novozymes North 7 America do with that check? 8 A Put it into the bank account? 9 Q And where is that bank account? 10 A I don't know. 11 Q Ultimately some or all of the cash surface and they are required to place at Novozymes A/S. 12 coals that Novozymes North America, the cash surplus, that exists in North America, the cash surplus to locally in North Carolina, but the east surplus? 10 cally in North Carolina, but the east surplus to locally in North Carolina, but the east surplus? 11 page 1 the legal company, Novozymes North Novozymes North America is the one having these -it's their money until we decide differently. 12			1		
5 they bought. 6 What does Novozymes North 7 America do with that check? 8 A Put it into the bank account. 9 Q And where is that bank account. 10 A I don't know. 11 Q Ultimately some or all of the 12 cash that Novozymes North America gets is put 13 into bank accounts controlled by Novozymes A/S, 14 correct? 15 A I think, just to be clear, the 16 cash surplus that exists in North America, the coally in North Carolina, but the cash surplus 17 Novozymes North America, the cash surplus 18 locally in North Carolina, but the cash surplus 19 locally in North Carolina, but the cash surplus 22 surplus? 23 A It means that they, of course, 24 also have a drawing right, might be, I don't 25 know, but it could be, so it's just in, general 2	1	North America to new for this Liquozyme that	1		
Martica do with that check? A Put it into the bank account. A Put it into the bank account? A I don't know. Q Ultimately some or all of the cash surplus that knovozymes North America gets is put into bank accounts controlled by Novozymes A/S, correct? 10	1		1		
A merica do with that check? A Put i fint the bank account. A Put i fint the bank account. A I don't know. Correct? A I don't know. Correct? A I think, just to be clear, the cash surplus that exists in North America, the cash surplus, that could consist of different bank accounts controlled by Novozymes North America, the cash surplus that exists in North America, the cash surplus that exists in North America, the cash surplus that exists in North Carolina, but the cash surplus that exists in North America, the cash surplus that the could consist of different bank accounts to don't you, on a to that surplus cash that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general BENNY LOFT - HIGHLY CONFIDENTIAL spaking, it's you owe money, but it's do you have money in your account or don't you, on a repaid from bank accounts the United States, or except and the surplus cash that the united States, and the surplus cash that they on the cash surplus that exists in the United States, and the surplus cash that you where the money is coming from. A Well Why? A Because it's — we have to be ble to trace where the money is coming from. A Well of courted. A Well of courted. A Well at New text. A Well, of course, and but to de where the money is coming from. A Well of courted. A Well of courted. A Well at Newest to. What is the pueb to the extent to be lega			1		
A Put it into the bank account: Q And where is that bank account? 10 A I don't know. 11 Q Ultimately some or all of the cash that Novozymes North America gets is put into bank accounts controlled by Novozymes A/S, correct? 15 A I think, just to be clear, the cash surplus that exists in North America, the cash surplus, that could consist of different bank accounts could consist of different bank accounts they are required to place at Novozymes A/S. 10 Q What did you mean by cash surplus? 11 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. 11 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. 12 Q Novozymes North America are paid from bank accounts in the United states, a bank in the United States, a large and a check once or twice a month, 1 don't know how you do it, what bank is on there, is it a bank in the United States, a large and things? 14 A We have to. 10 Q Why? 11 A We have to. 12 Q Why? 12 A Because it's we have to be able to trace where the money is coming from. 12 A Because in the end it is the legal company, Novozymes North America is paid left's any indicated promoney until we decide differently. 15 A I tream that they, of course, 22 A I tream that they, of course, 23 I also have a drawing right, might be, I don't know what the own was a drawing right, might be, I don't know what the numbers are and I'm not telling you that sexeatly any number, it's an easy expense of Novozymes North America are paid from bank accounts in the United States, a bank in Denmark? 11 A Would assume so. 12 Q Novozymes North America are paid from bank accounts in the United States and potentially North Carolina and maybe the City of Franklinton? 11 A Would assume so. 12 Q Novozymes North America are paid from bank accounts in the United States and potentially North Carolina and maybe the City of Franklinton? 13 I don't know how you do it, what bank i	1		1		
9	1			•	
10	1		1		
11	1	**	ŧ		
cash that Novozymes North America gets is put into bank accounts controlled by Novozymes A/S, correct? A I think, just to be clear, the cash surplus that exists in North America, the cash surplus, that could consist of different bank accounts to collar, the cash surplus that exists in North America, the cash surplus the could consist of different bank accounts to dulc desist of different bank accounts to they are required to place at Novozymes A/S. Q What did you mean by cash cash surplus? A It means that they, of course, a lash have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL stakes, jit's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employee get paid a check once or twice a month, 1 don't know how you do it, what bank is on the tre, is it a bank in the United States, a bank in Denmark? A It's a bank in the United A It's a bank in the United States. Q Novozymes North America employee get paid a check once or twice a month, 1 don't know how you do it, what bank is on the tre, is it a bank in the United States. A It's a bank in the United A What do you mean by that form. A What do you mean by that form. A What do you mean by that form. Q Novozymes North America employee get paid a check once or twice a month, 1 don't know how you do it, what bank is on the form. A It's a bank in the United States. A It's a bank in the United States. A It's a bank in the United States. A What do you mean by that form. A What do you mean			ł		
13 into bank accounts controlled by Novozymes A/S, correct? A I think, just to be clear, the cash surplus that exists in North America, 15 Novozymes North America, 16 could consist of different bank accounts 16 locally in North Carolina, but the cash surplus, that could consist of different bank accounts 17 locally in North Carolina, but the cash surplus that experience of place at Novozymes A/S. 20 What did you mean by cash 22 surplus? 23 A It means that they, of course, 23 also have a drawing right, might be, I don't 25 know, but it could be, so it's just in, general 25 low, but it could be, so it's just in, general 26 logaling, it's you owe money, but it's do you have money in your account or don't you, on a net basis. 30 A I would assume so. 40 Novozymes North America are paid from bank accounts in the United 26 States, correct? 31 A Novozymes North America are paid from bank accounts in the United 27 A What do you mean by that 40 question? 40 Novozymes North America employees, where do they get their paychecks? 41 and the propose of the correct of the propose of			1		
correct? A I think, just to be clear, the cash surplus that exists in North America, Novozymes North America, the cash surplus that could consist of different bank accounts locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash surplus? A It means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A What do you mean by that ofform. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. A It's a bank in the United States. Year 15 A Because in the end it is the legal - the legal company, Novozymes North more, until we decide differently. Memerica is the one having these - it's their money until we decide differently. When the surplus cash what the each surplus as the to with the surplus cash in the United of the page - it's their money until we decide differently. Q Who makes the decision about what to dow with the surplus cash? A Novozymes North America is the one having these - it's their money until we decide differently. Q Whon makes the decision about what to dow with the surplus exels say 18 18 Novozymes North America is the one having these - it's their money until we decide differently. Q When Novozymes North A Novozymes North America is the one having these - it's their money until we decide differently. Page Whom Novozymes North America is the one having the exist the mules as the decision about what the surplus exels a supplus exels a surplus exels and potentially nortic arolina and maybe the 15 18 18 19 100 U.S.?	l .		1		
A I think, just to be clear, the cash surplus that exists in North America, the cash surplus that exists in North America, the cash surplus, that could consist of different bank accounts locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash surplus? A I means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general and the sis. Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on the re, is it a bank in the United States. A It's a bank in the United States, a bank in nemark? A It's a bank in the United States. Q When the surplus cash that you A I the cash surplus, that cash surplus, that cash surplus, that cash surplus, the legal - the legal company, Novozymes North America is the one having these it's their money until we decide differently. Q When Novozymes A/S. Q When Novozymes A/S. Q When Novozymes A/S, or excuse me, Novozymes A/S, or excuse me, Novozymes A/S automatically, immediately get Sl00, just take a nice round number to make it easy, \$100 U.S. for some Liquozyme, does Page 35 Page 35 Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money both the united States. Q So many of the expenses, the operating expenses of Novozymes North America and I'm not telling you what the numbers are and I'm not telling you what the numbers are and I'm not telling you what the numbers are and I'm not telling you what the numbers are and I'm not telling you what the numbers are and I'm not telling you what the numbers are and I'm not telling you what the numbers are	1	· · · · · · · · · · · · · · · · · · ·	4		
cash surplus that exists in North America, Novozymes North America, the cash surplus, that could consist of different bank accounts locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash Zo they are required to place at Novozymes A/S. Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash Locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash Locally in North Carolina, but the cash surplus Locally in North Carolina and maybe the Locally in North Carolina, but the cash surplus Locally in North Carolina and maybe the Locall			1		
17 Novozymes North America, the cash surplus, that could consist of different bank accounts to locally in North Carolina, but the eash surplus they are required to place at Novozymes A/S. 2			1		
could consist of different bank accounts locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. Q What did you mean by cash surplus? A It means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a ret basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you I a bank in Denmark? A It's a bank in the United States. Q When the surplus cash that you I a bank in Denmark? A It's a bank in the United States. Q When the surplus cash that you I a bank in Denmark? A Novozymes North America employee get paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you I a bank in Denmark? A Novozymes North America employee and the decicie differently. A Novozymes A/S. Q When Novozymes N/S, or excuse R Novozymes North America is paid let's say S100, just take a nice round number to make it easy, \$1000 u.s. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL Novozymes A/S automatically, immediately get S100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know. Q Before — you mentioned surplus acash, let's — again, let's use \$100 because it's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy S100 one year. Out of that \$100 does No			1		
19 locally in North Carolina, but the cash surplus they are required to place at Novozymes A/S. 2 Q What did you mean by cash 2 2 Xurplus? 2 Xurplus? 3 A It means that they, of course, 2 3 A It means that they, of course, 3 3 3 4 A Novozymes A/S, or excuse 3 Men Novozymes North America is paid let's say 3 5 100, just take an ice round number to make it 2 2 4 100, just take an ice round number to make it 2 2 3 3 3 3 3 3 3 3	1		18		
they are required to place at Novozymes A/S. Q What did you mean by cash Surplus? A It means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you what to do with the surplus cash? A Novozymes A/S. Q when Novozymes North America is paid let's say \$100, just take a nice round number to make it easy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL 52 Novozymes A/S. Ovexues month America aito a five casy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL 52 Novozymes A/S. Ovexues me, Novozymes North America aito a five casy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL 52 Novozymes A/S. ovexues me, Novozymes North America aito and casy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL 52 Novozymes A/S automatically, immediately get 56 NR. SULLIVAN: Objection as to form. 4 A I don't know. 4 Q Novozymes North America 64 Novozymes A/S automatically, immediately get 56 NR. SULLIVAN: Objection as to form. 4 NR. SULLIVAN: Objection as to form. 4 Novozymes A/S automatically in the United States 64 NR. SULLIVAN: Objection as to form. 4 Novozymes A/S automatically in the United States 64 NR. SULLIVAN: Objection as to form. 64 NR. SULLIVAN: Objection to the form. 65	1		19		
21 Surplus? 22 Surplus? 23 A It means that they, of course, 24 also have a drawing right, might be, I don't 25 know, but it could be, so it's just in, general Page 35 Page 37 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 speaking, it's you owe money, but it's do you 3 have money in your account or don't you, on a 4 net basis. Q So many of the expenses, the 6 operating expenses of Novozymes North America 7 are paid from bank accounts in the United 8 States, correct? 9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United 21 States. 22 Q When Novozymes A/S, or excuse 23 me, Novozymes North America is paid let's say 24 \$100, just take a nice round number to make it 25 easy, \$100 U.S. for some Liquozyme, does Page 37 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Novozymes A/S automatically, immediately get 3 \$100 U.S.? 4 MR. SULLIVAN: Objection as to 4 form. 5 A I would assume so. 6 A I don't know. 7 Q Before you mentioned surplus 2 cash, let's again, let's use \$100 because 2 it's a nice even round number, I don't know 3 what the numbers are and I'm not telling you 4 that's exactly any number, it's an easy 4 somple. Novozymes North America earns 4 100 one year. Out of that \$100 does Novozymes 5 North America pay taxes in the United States 6 and potentially North Carolina and maybe the 6 City of Franklinton? 7 MR. SULLIVAN: Objection to the 7 Q Novozymes North America earns 8 100 one year. Out of that \$100 does Novozymes 9 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 don't know how you do it, what bank is on 19 don't know how you do it, what bank is on 20 A They pay taxes, I don't know 21	1		20	what to do with the surplus cash?	
surplus? A It means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that form. A What do you mean by that form. Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you 22 Q When Novozymes North America is paid let's say \$100, just take a nice round number to make it easy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL Novozymes A/S automatically, immediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns \$100 one year. Out of that \$100 does Novozymes North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?			21		ļ
A It means that they, of course, also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I oth of know how you do it, what bank is on three, is it a bank in the United States, a Q When the surplus cash that you MR. SULLIVAN: Objection to form. MR. SULLIVAN: Objection as to form. MR. SULLIVAN: Objection as to it's a nice evon, but it's easy, \$100 U.S. for some Liquozyme, does Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL Novozymes A/S automatically, immediately get S100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know. Q Before you mentioned surplus cash, let's again, let's use \$100 because it's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns \$100 one year. Out of that \$100 does Novozymes North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?			22		
also have a drawing right, might be, I don't know, but it could be, so it's just in, general Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. MR. SULLIVAN: Objection as to that's exactly any number, it's an easy example. Novozymes North America eams Novozymes North America eams Novozymes North America eams Novozymes North America eams MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?	23		23	me, Novozymes North America is paid let's say	
Page 35 BENNY LOFT - HIGHLY CONFIDENTIAL speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you Page 37 BENNY LOFT - HIGHLY CONFIDENTIAL Novozymes A'S automatically, immediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. Q Before you mentioned surplus cash, let's again, let's use \$100 because it's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses of Novozymes North and entity in mediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. Novozymes A/S automatically, immediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. Novozymes A/S automatically, immediately get \$100 U.S.? Novozymes A/S automatically, immediately get \$100 U.S.? Novozymes North America pagain, let's use \$100 because ith's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses of Nov	24		24		
1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 speaking, it's you owe money, but it's do you 3 have money in your account or don't you, on a 4 net basis. 5 Q So many of the expenses, the 6 operating expenses of Novozymes North America 7 are paid from bank accounts in the United 8 States, correct? 9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 10 there, is it a bank in the United States, a 11 benny LOFT - HIGHLY CONFIDENTIAL 12 Novozymes A/S automatically, immediately get 13 States. 14 MR. SULLIVAN: Objection as to 15 form. 16 A I don't know. 17 Q Before you mentioned surplus 28 cash, let's again, let's use \$100 because 29 it's a nice even round number, I don't know 20 what the numbers are and I'm not telling you 21 that's exactly any number, it's an easy 22 example. 23 Novozymes North America earns 24 Novozymes North America earns 25 In O U.S.? 4 MR. SULLIVAN: Objection as to 26 form. 27 a liden't know. 28 cash, let's again, let's use \$100 because 29 it's a nice even round number, id on't know 20 what the numbers are and I'm not telling you 21 that's exactly any number, it's an easy 22 example. 23 Novozymes North America earns 24 States. 25 A I's a bank in the United 26 Do they pay taxes, I don't know 27 A They pay taxes, I don't know 28 where they pay the taxes. 29 Q Do they pay other operating 20 expenses, such as employee salaries and rent 20 and supplies and things?	25	know, but it could be, so it's just in, general	25	easy, \$100 U.S. for some Liquozyme, does	_
2 speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States, a Q When the surplus cash that you 2 Novozymes A/S automatically, immediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know. A I don't know. A I don't know. A I don't know. What He numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns MR. SULLIVAN: Objection to the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?		Page 35	AL PARTIE MANAGEMENT OF THE PARTIE OF THE PA	Page 37	
2 speaking, it's you owe money, but it's do you have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States, a Q When the surplus cash that you 2 Novozymes A/S automatically, immediately get \$100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know. A I don't know. A I don't know. A I don't know. What He numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns MR. SULLIVAN: Objection to the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?	1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	1
have money in your account or don't you, on a net basis. Q So many of the expenses, the operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. MR. SULLIVAN: Objection as to MR. SULLIVAN: Objection to form. MR. SULLIVAN: Objection as to it's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns Novozymes North America earns North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States, a bank in Denmark? A It's a bank in the United States. Q When the surplus cash that you 3 \$100 U.S.? MR. SULLIVAN: Objection as to form. A I don't know. Novozymes are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns 10 what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns 11 Shoo one year. Out of that \$100 does Novozymes North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?	ł		2	Novozymes A/S automatically, immediately get	
4 net basis. Q So many of the expenses, the 6 operating expenses of Novozymes North America 7 are paid from bank accounts in the United 8 States, correct? 9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United 21 States. 22 Q When the surplus cash that you 4 MR. SULLIVAN: Objection as to 5 form. 4 I don't know. 7 Q Before you mentioned surplus 8 cash, let's again, let's use \$100 because 18 it's a nice even round number, I don't know 4 what the numbers are and I'm not telling you 11 that's exactly any number, it's an easy 2 example. 12 Novozymes North America earns 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 there they pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 States. 24 When the surplus cash that you 25 States. 26 When the surplus cash that you			3	\$100 U.S.?	
operating expenses of Novozymes North America are paid from bank accounts in the United States, correct? MR. SULLIVAN: Objection to form. A I would assume so. Q Novozymes North America employees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States. Q When the surplus cash that you A I don't know. A I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. Novozymes North America earns 10 hat the numbers are and I'm not telling you that's exactly any number, it's an easy example. 11 hat's exactly any number, id on't know Then your example. 12 example. 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? MR. SULLIVAN: Objection to the form. A They pay taxes, I don't know where they pay the taxes. Q Do they pay other operating expenses, such as employee salaries and rent and supplies and things?	4		4	MR. SULLIVAN: Objection as to	
7 are paid from bank accounts in the United 8 States, correct? 9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 Example. 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 7 Q Before you mentioned surplus 26 cash, let's again, let's use \$100 because 36 cash, let's again, let's use \$100 because 37 bit's a nice even round number, it's an easy 40 example. 41	5	Q So many of the expenses, the	5		
8 States, correct? 9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 8 cash, let's again, let's use \$100 because 9 it's a nice even round number, I don't know 10 what the numbers are and I'm not telling you 11 that's exactly any number, it's an easy 12 example. 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States and potentially North Carolina and maybe the 16 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	6		1		
9 MR. SULLIVAN: Objection to form. 10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 9 it's a nice even round number, I don't know what the numbers are and I'm not telling you that's exactly any number, it's an easy example. 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 They pay taxes, I don't know where they pay the taxes. 21 Q Do they pay other operating 22 expenses, such as employee salaries and rent 23 and supplies and things?	7		1		
10 A I would assume so. 11 Q Novozymes North America 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 20 that's exactly any number, it's an easy 21 example. 21 Novozymes North America earns 22 and potentially North Carolina and maybe the 23 City of Franklinton? 24 MR. SULLIVAN: Objection to the 25 form. 26 A They pay taxes, I don't know 27 where they pay the taxes. 28 Q Do they pay other operating 29 expenses, such as employee salaries and rent 29 and supplies and things?	1		1		
11 dat's exactly any number, it's an easy 12 employees, where do they get their paychecks? 13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 15 MR. SULLIVAN: Objection to the 16 that's exactly any number, it's an easy 12 example. 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	1		1		
mployees, where do they get their paychecks? MR. SULLIVAN: Objection as to form. A What do you mean by that question? Q Novozymes North America employee gets paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States, a bank in Denmark? A It's a bank in the United C When the surplus cash that you 12 example. 13 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 States. 24 Q When the surplus cash that you 25 and supplies and things?	1		1		
13 MR. SULLIVAN: Objection as to 14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 21 States. 22 A What do you mean by that 23 Novozymes North America earns 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?		Q Novozymes North America			
14 form. 15 A What do you mean by that 16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 14 \$100 one year. Out of that \$100 does Novozymes 15 North America pay taxes in the United States 16 and potentially North Carolina and maybe the 17 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?					***************************************
A What do you mean by that question? Q Novozymes North America employee Regts paid a check once or twice a month, I don't know how you do it, what bank is on there, is it a bank in the United States, a bank in Denmark? A It's a bank in the United States. Q When the surplus cash that you 15 North America pay taxes in the United States and potentially North Carolina and maybe the City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?		•	ł.		
16 question? 17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 26 A and potentially North Carolina and maybe the 27 City of Franklinton? 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	•		1		I
17 Q Novozymes North America employee 18 gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 21 City of Franklinton? 28 MR. SULLIVAN: Objection to the 29 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?		· · · · · · · · · · · · · · · · · · ·	1		ľ
gets paid a check once or twice a month, I 19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 18 MR. SULLIVAN: Objection to the 19 form. 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	8		í		
19 don't know how you do it, what bank is on 20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 29 don't know how you do it, what bank is on 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?			3		
20 there, is it a bank in the United States, a 21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 20 A They pay taxes, I don't know 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?			ì		
21 bank in Denmark? 22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 21 where they pay the taxes. 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	1		1		
22 A It's a bank in the United 23 States. 24 Q When the surplus cash that you 22 Q Do they pay other operating 23 expenses, such as employee salaries and rent 24 and supplies and things?	1		į		-
23 States. 24 Q When the surplus cash that you 23 expenses, such as employee salaries and rent 24 and supplies and things?	i .		4		
Q When the surplus cash that you 24 and supplies and things?					
			i		
25 mentioned is sent up to Novozymes A/S, does 25 A 1 do not understand what you are		mentioned is sent up to Novozymes A/S, does	25	A I do not understand what you are	

10 (Pages 34 to 37)

	Page 38		Page	40
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	getting, where you want to get at, because you	2	Q Isn't it necessary for Novozymes	
3	were talking about they make an earning of	3	North America to know its profits or loss so it	
4	\$100, right?	4	can figure out taxes, for example?	
5	Q Revenues; receive \$100 for sales	5	A That's why I say yeah, I think	
6	of Liquozyme, so I'm sorry if I wasn't clear.	6	they have to.	
7	So Novozymes gets \$100 of	7	Q Interrogatory number 27 is the	
8	revenue, top line, are you with me so far?	8	next one on this page, it is the remainder of	
9	A Yes.	9	Page 5. Please take a moment and read that to	
10	Q Out of that does Novozymes A/S	10	yourself and tell me when you are done.	
11	get \$100 of surplus cash when Novozymes North	11	A Yes, I have read it.	
12	America gets \$100 of revenue?	12		
13	A Yes, that could be the case.	13	you about something in one of the bullet points	
14	Q If there were no expenses,	14	here, there is a reference in the fifth bullet	
16	right? A If they have the revenue of \$100	15	point down to audited financial statements.	
17	and that goes directly into our books which is	17	Do you see that reference, sir? A Um-hum.	
18	what we do, it will also go back to Novozymes	18	Q Is that a yes?	
19	A/S, the \$100.	19	A Yes, I see it.	
20	Q As surplus cash?	20	Q Thank you.	
21	A If we invoice \$100 we will	21	Who does who's the auditor	
22	receive \$100, and that amount will go directly	22	for Novozymes A/S?	
23	to the cash, so that will also be directed back	23	A PricewaterhouseCoopers.	
24	to Denmark, the \$100.	24	Q Are the financial statements of	
25	Q Is that it, it goes directly to	25	Novozymes North America separately audited?	
	Page 39		Page 4	11
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	cash, is it surplus cash?	2	A Yes.	
3	A If they are in the position	3	Q Is that also by	1
4	where they have surplus cash and then you add	4	PricewaterhouseCoopers?	ı
5	\$100 we will get the additional \$100.	5	A Yes.	
6	Q And by surplus cash you are	6	Q Why are the financials of	l
7	talking about cash after expenses, correct?	- 7	Novozymes North America separately audited?	
8 9	A Yes. Yes.	8	A It's required.	ı
10	Q Are the profits and losses, if there are any, again I'm not assuming whether	9 10	Q What requirement are you referring to?	
11	there are profits or losses, but generally,	11	A Novozymes being listed on the	
12	profits or losses of Novozymes North America,	12	Stock Exchange in Copenhagen, we are required	
13	ever separately calculated?	13	to follow international accounting standards,	
14	A Ask again please?	14	and it's required that these financial	ı
15	Q Sure.	15	statements are audited.	
16	Does Novozymes A/S ever, or	16	Q By these financial statements,	I
17	anybody, ever calculate the profits and losses	17	are you referring to Novozymes A/S or Novozymes	
18	of Novozymes North America, that entity	18	North America?	
19	specifically?	19	A I'm referring to that both	- 1
20	A Novozymes A/S?	20	Novozymes A/S and the Novozymes group financial	
21	Q Yes.	21	statements is audited.	
22	A No.	22	Q I need to make sure I got an	
23	Q Does Novozymes North America do	23	answer to this very specific question, so I	
	that?	24	apologize if it feels like I have asked it to	
25	A I would assume they have to.	25	you before.	╝

11 (Pages 38 to 41)

1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 A That's fine. 3 Q Are the financial statements of 4 Novozymes North America itself, are they 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 (The above described document w marked Loft Exhibit 2 for identification as of this date.)		
2 A That's fine. 2 (The above described document w a Q Are the financial statements of 3 marked Loft Exhibit 2 for identification		
3 Q Are the financial statements of 3 marked Loft Exhibit 2 for identification		
1 3 INOVOLVINES INOTHE ATHEIREM INCH. MICHEY 1 4 AS OTTERS GATE. I	*,	
5 separate are they audited specifically 5 Q Sir, I will show you what has		
6 separately? 6 been marked as Exhibit 2 to your deposition		
7 A Yes. 7 it's a document that bears the production	,	
8 MR. LANIER: I am done with 8 number NV-D 0174787, it's a document tha	was	
9 Exhibit number 1, you may, if you would, 9 given to us by Novozymes' lawyers at the		
put it back together and hand it over to 10 deposition of Mr. Olofson, actually.		
the court reporter there, I would 11 The first question to you, sir,		
12 appreciate it. 12 is whether you recognize this?		
13 Thank you, sir. 13 A No.		
Let's take a five minute break. 14 Q The first line item there is		
15 (At this point in the proceedings 15 royalty, do you see that line item?		
there was a recess, after which the 16 A Yes.		
deposition continued as follows:) 17 Q I will represent to you that's a		
MR. LANIER: Let's go back on the lawyers way of saying I will tell you and if	ny	
record. 19 subsequent questions based on that		
20 Q Mr. Loft, our little chat off 20 representation are crazy, it's not your fault,		
21 the record about the fact I am a philosophy 21 but I will represent to you that that royalty		
22 major reminds me I forgot to ask you would you 22 item refers to royalty payments attributed to		
23 briefly describe your educational background, 23 Novozymes North America and owing to Novozymes 23 Novozymes North America and owing to Novozymes 23 Novozymes North America and owing to Novozymes North America and Owing Novozymes Novoz		S
24 sir? 24 A/S relating to a technology license agreement	ent.	
25 A I will. 25 Are you familiar at all directly		
Page 43	Page	45
1 BENNY LOFT - HIGHLY CONFIDENTIAL 1 BENNY LOFT - HIGHLY CONFIDE		
2 Q College and any subsequent 2 with royalty payments owing by Novozymes	North	
3 degrees. 3 America to Novozymes A/S?		
4 A To be frank, I don't know all 4 A I am aware of a technology		
5 the English words, in Denmark we have more 5 license between Novozymes North America	and	
6 European thing also, I think, my title, my 6 Novozymes A/S.		
7 educational title today is state authorized 7 Q Are you aware specifically of		
8 public accountant. 8 the fact of royalty payments being accounted		
9 It's an education where you are 9 for between the companies? 10 trained in auditing, accounting, taxes and 10 A What do you mean by the fact of?		
10 trained in auditing, accounting, taxes and 10 A What do you mean by the fact of? 11 similar stuff, legal stuff also. 11 Q You may not know the specific		
12 It's a long education, basically 12 number paid in a specific quarter, but are you	1	
13 the longest you can get in Denmark. 13 aware that that happens?	•	
14 Q Do you have any scientific or 14 A Yes.		
15 technical training? 15 Q Is cash always paid every		
16 A Meaning what? 16 quarter from Novozymes North America to		
17 Q As opposed to training 17 Novozymes A/S as a result of that licensing		ļ
18 specifically in accounting and finance and 18 agreement?		
19 business, do you have any training, for example 19 A Again, the cash position, the		l
20 in genetic engineering or alpha amylases or 20 net cash position is an important number and	it	
21 anything like that? 21 really depends also about will this change, the		
22 A No. 22 invoice of the royalty, will that change the		l
Q I was raised, I guess I am still 23 cash position, so it's I will not be able to		
24 being raised by a certified public accountant, 24 answer your question because there are a lot	of	i
25 so I have some sense of that. 25 fundamentals that have to be I have to kno		

12 (Pages 42 to 45)

	Page 46	T	Page 4	0
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	Û
2	before I will be able to answer.	2	license agreement, but I'm aware of	
3	O Bear with me a moment, I am	3	negotiations taking place between the tax	
4	trying to think a little to make our time more	4	negotiations in Denmark and the U.S. that might	
5	efficient so I can ask you about things you	5	have a direct impact on what is in here, so I	
6	know. I will just think for a second here.	6	might know the percentage in here, but it's	
7	Keep this document around, but I	7	because I know the other stuff.	
8	am going to jump ahead an exhibit or two to	8	Q Understood, and I will ask you a	
9	Exhibit number 4 which is the technology	9	little bit about that shortly, those tax	
10	license agreement.	10	negotiations. I'm not trying to trick you or	
11	(The above described document was	11	anything else, I just asked if you knew, but	
12	marked Loft Exhibit 4 for identification,	12	let me draw your attention to the very last	
13	,	13	1 0	
14	MR. LANIER: It may help us a	14	A Yes.	
15	little bit. Here is that for you, sir.	15	Q It's an amendment number 1 to	
16 17	For the record, it's got Bates numbers on it that have been read into the	16	technology license agreement, tell me when you	
18	record more than once, it will end up	17	get there, and if you see in 5A.	
19	being a trial exhibit for our purposes,	19	A Yes. Q A second sentence in says, "The	
20	it's Loft number 4.	20	Q A second sentence in says, "The royalty rate shall be 40 percent of net sales,"	
21	MR. SULLIVAN: Sorry, you are	21	do you see that?	i
22	skipping over 3?	22	A Yes.	
23	MR. LANIER: I will get to 3	23	Q Are you aware that that royalty	1
24	eventually. I had planned to get to it	24	rate is a changed from the royalty rate in the	
25	later, but given his answers I figure we	25	original agreement?	İ
	Page 47		Page 4	3
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	might as well just jump to this now, so	2	A What is the original agreement?	
3	it has already been marked as number 4.	3	Q I will represent to you, sir,	
4	Q So, do you recognize this	4	that there was a royalty rate of 20 percent	
5	technology license agreement, sir?	5	that was changed to 40 percent.	۱
6	A I don't know the detail, I know	6	Is that something you knew? Did	
7	about the technology license agreement, but not	7	you know that?	l
8	all the detailed stuff which is in it.	8	MR. SULLIVAN: I think he was	
10	Q So, you are aware there is an agreement called a technology license agreement	10	also asking which was the original agreement.	
11	between Novozymes North America and Novozymes	11	Q I'm sorry, the first several	
12	A/S, correct?	12	pages of this document are the original	l
13	A Yes.	13	agreement, the last	ı
14	Q But you I take it you've	14	A Okay.	
15	never read this agreement?	15	Q The last page is the amendment.	ı
16	A I don't remember that I have	16	I'm sorry, I misunderstood your question.	
17	read it.	17	Thank you, Mr. Sullivan.	
18	Q Were you involved, personally	18	So the original agreement	
19	involved in negotiating the agreement at all?	19	A Is this one.	
20	A No.	20	Q Is the first several pages.	ı
21	Q Do you know what the royalty	21	A Okay, I thought there was also	
22	rate is currently?	22	another agreement.	
23	A I think I will I need you to	23	Q No, I'm sorry, I didn't mean to	
	rephrase the question. Also bear in mind that	24 25	mislead you. This amendment page we have just	ľ
<u> </u>	I do not know the details of this technology	<u> 23</u>	all included it together.	_

13 (Pages 46 to 49)

	Page 50		Page 52
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	A I do not remember the 20	2	we for some reason it's difficult to get to
3	percent.	3	a level of taxes that we should pay, I will be
4	Q Even if you don't remember that	4	involved.
5	percent number, do you remember that the 40	5	So directly I have not spoken to
6	percent number was a change from some other	6	the authorities in the U.S., for example, but
7	previous number?	7	if anything turns out that we will not be able
8	A No.	8	to make a fair payment of taxes in the U.S., I
9	Q You mentioned that do you	9	would have been involved.
10	know anything about how seeing that 40	10	Q Who, if you know, if you don't
11	percent number there, does that refresh your	11	know, you don't know, so let me ask it this
12	recollection, help you remember that that is	12	way, do you know who actually sat down with or
13	the royalty rate?	13	got on the telephone with the U.S. tax
14	A If it's yes, if it's the same	14	authorities and had the negotiation that
15	which has been agreed between authorities in	15	ultimately resulted in that 40 percent?
16	U.S. and the authorities in Denmark then I do	16	A Are you asking about one single
17	know.	17	person?
18	Q Do you know anything about how	18	Q Or a group of people.
19	that 40 percent that royalty rate, whatever	19	A There would be a lot of people
20	it is, do you know why that rate was chosen?	20	involved in a process like this, and there is a
21	A Yes.	21	head of tax in Denmark which would be
22	Q Why?	22	definitely involved in this process, and there
23	A It was chosen because in Denmark	23	will be a person in North America also being
24	we the production the Executive Vice	24	part of this.
25	President of Production is setting up the whole	25	As some kind of project legal,
	Page 51		Page 53
1,	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
1	production process for the Novozymes group.	2	but in the end it's the authorities which have
3	We also have R & D and the head	3	decided on the percentage.
4	of R & D, the Executive Vice President of R & D	4	Q You mentioned a head of tax in
5	is also in Denmark and these two people are	5	Denmark, who is that person?
6	responsible for our technology, the improvement	6	A It's on a daily basis its
7	of our technology.	7	Birthe Brouer Viggaard. The overall
8	And the reason that the 40	8	responsibility would remain at me.
9	percent is there is that Novozymes North	9	Q Who is the U.S. person that was
10	America is using our technology and the	10	directly involved in the dealings with the
11	specific number, 40 percent, is a negotiation	11	authorities?
	between the Danish tax authorities and the U.S.	12	A As far as I remember it was Rich
13	tax authorities and they have agreed that the	13	Olofson.
14	40 percent is a fair charge for Novozymes North	14	Q Let me draw your attention back
15	America using our technology.	15	to the first page of this technology license
16	Q Have you personally been	16	agreement.
17	involved in that negotiation and that agreement	17	I am going to guess, I know a
18	with the tax authorities?	18	few of your answers, but I need to find out
19	A There is a person involved in	19	what you know and what you don't know that's
20	I don't know exactly what you mean by the	20	part of this exercise here.
21	personal involved in.	21	There is a reference in 1A to
22	What I am involved in is, and	22	the technology, Paragraph 1A and I won't read
23	have been involved in, is that we need to make	23	it all in there.
24	sure that we are paying taxes wherever we do	24	A Yes.
25	operations, the right level of taxes and if	25	Q Do you personally know whether
1			

14 (Pages 50 to 53)

BENNY LOFT - HIGHLY CONFIDENTIAL 2 or not the '031 patent that's at issue in this 3 case is covered by the definition of technology 4 in that section? 5 A As I haven't read these, I would 6 not be able to answer that question. 7 Q Do you know anything about 8 theI know you haven't read it, but from 9 your conversations and understanding of this 10 agreement, do you know anything about the 11 mature of the license that is granted to 12 Novozymes North America? 13 Specifically whether the license 14 is exclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: Upon can answer, 10 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have personally do you 26 A Could choose if it wanted to to license the 27 A Yes. 28 Q You had mentioned, you had 29 about the discussions what you heard 29 about the discussions with the tax authorities 20 A Pop you phrase for the use by Novozymes North 21 A merica of Novozymes A'S's technology, do you 22 recall generally that subject? 23 A Yes. 24 Q I am just reminding you of the 25 Q I am just reminding you of the 26 isset that issue? 27 A Yes. 28 Q I am just reminding you of the 29 issue to take you back there with my next 20 couple of questions. 29 Who made the ultimate decision 30 Whomade the ultimate decision 4 The variety of the tax subtroities 24 how rowers family that yes, we will agree with 25 A Novozymes North America is a big 26 Novozymes SaA'S. 27 A Yes. 28 Novozymes SaA'S. 29 Couled for questions. 30 Novozymes family that yes, we will agree with 31 He tax authorities to that percentage rate? 32 Novozymes SaA'S. 33 Particular case we decided because North America is a big 34 Intervent the consending you of the 35 particular case we decided because North America is a big 36 onth that issue? 31 Particular case we decided because Nor		Page 54		Page 50	<u>.</u>
2 Or not the '031 patent that's at issue in this 3 case is covered by the definition of technology 4 in that section? 4 A As I haven't read these, I would 5 not be able to answer that question. 7 Q Do you know anything about 8 the — I know you haven't read it, but from 9 your conversations and understanding of this 10 agreement, do you know anything about the 11 nature of the license that is granted to 12 Novozymes North America? 13 Specifically whether the license 14 is exclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the — what is the 24 understanding of these two different. 25 Q Do you have — personally do you 26 Page 55 27 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes 28 A'S could choose if it wanted to to license the 29 O'You had mentioned, you had 30 talked about the discussions with the tax authorities about whether it was a fair charge I think was your benefit discussions with the tax authorities of hards? 20 Q Do you know anything about the size of the seed of the	1	RENNY LOFT - HIGHLY CONFIDENTIAL	1	RENNY LOFT - HIGHLY CONFIDENTIAL	
ase is covered by the definition of technology in that section? A As I haven't read these, I would not be able to answer that question. Q Do you know anything about theI know you haven't read it, but from your conversations and understanding of this agreement, do you know anything about te nature of the license that is granted to 12 Novozymes North America? MR. SULLIVAN: Objection, it calls for a legal conclusion. Q Go ahead. A Baut I have to answer? MR. SULLIVAN: If you can answer, you can answer. 1 A I haven't read the agreement, so 1 with not be able to make the what is the exclusive and non-exclusive, not even the understanding of these two different. D O by ou have personally do you Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes North America? A I have no knowledge. Q You had mentioned, you had about the discussions with the tax authorities about whether it was a fair charge I think was 1 your phrase for the use by Novozymes North A fil whar? A Yes. Q I am just reminding you of the issue to take you back there with my next couple of questions. A Yes. Q I am just reminding you of the si sevel usive and non-exclusive, not even the understanding about whether Novozymes A Yes. Q Do you recall generally A Yes. Q Do you recall generally A Yes. Q Do you recall generally A Yes. Q I am just reminding you of the si sevel usive and non-exclusive, not even the understanding of these two different. D O Do you can answer. S North America? A Yes. Q I am just reminding you of the si sevel usive and non-exclusive, not even the understanding of the seve two different. D O Do you report to? D O you made the ultimate decision A Yes. Q I am just reminding you of the si sevel usive and non-exclusive, not even the understanding of the seve two different. D O You had be a group of the tax authorities D O You had the discussions with the tax authorities D O You had be a group of the executive management that would be executive anagement. A That, Tath angain, would be a g			}		
that section? A A I haven't read these, I would not be able to answer that question. Q Do you know anything about the herent the know you haven't read it, but from you conversations and understanding of this agreement, do you know anything about the nature of the license that is granted to Novozymes North America? Specifically whether the license Specifically Specifical Specifical Specifical Specifical Specifical Specifical Specifical Specifical S					
5 A As I haven't read these, I would not be able to answer that question. 7 Q Do you know anything about the -1 know you haven't read it, but from your conversations and understanding of this 10 agreement, do you know anything about the nature of the license that is granted to 12 Novozymes North America? 12 Novozymes North America? 13 Specifically whether the license is exclusive or non-exclusive? 14 is exclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it calls for a legal conclusion. 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, you can answer. 20 you can answer. 21 A I haven't read the agreement, so 21 I will not be able to make the - what is the 24 understanding of these two different. 22 I will not be able to make the - what is the 24 aven you developed the service of the secutive management of 20 A No. 21 A I haven't read the agreement, so 21 Q As you use that term? 22 I will not be able to make the - what is the 22 A No. 23 avclusive and non-exclusive, not even the 4 voil part of the secutive management that would be five people, 2 Have been personally involved in making the 3 usegotion, yes, to the executive management of 2 going for this agreement. 24 understanding of these two different. 25 Q Do you have personally do you 2 Q As you use that term? 26 A I have any understanding about whether Novozymes ANS could choose if it wanted to to license the 3 you phrase for the use by Novozymes North America? 25 A I have no knowledge. 26 A I have no knowledge. 37 A Yes. 38 A I have no knowledge. 49 A I have no knowledge. 50 A J have any understanding about whether Novozymes ANS to the harmonic and you had a talked about the discussions with at you heard a babout the their time as fair charge I think was your phrase for the use by Novozymes North America? 39 A Yes and the discussions what you heard about the discussions what you heard a babout the their time as fair charge I think was your phrase for the use by Novozymes (A) and a particula			1		
6 not be able to answer that question. 7 Q Do you know anything about 8 the I know you haven't read it, but from 9 your conversations and understanding of this 0 agreement, do you know anything about the 11 nature of the license that is granted to 12 Novozymes North America? 13 Specifically whether the license 14 is exclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the - what is the 24 exclusive and non-exclusive, not even the 25 exclusive and non-exclusive, not even the 26 understanding of these two different. 27 D Do you have personally do you 28 Page 57 29 EBENNY LOFT - HIGHLY CONFIDENTIAL 29 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. Q You had mentioned, you had 1 talked about the discussions what you heard 2 about the their it was a fir charge I think was 11 your phrase for the use by Novozymes North 12 A fir what? 13 Couple of questions. 14 A Yes. 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 18 issue to take you back there with my next 19 couple of questions. 19 Who made the ultimate decision 20 within Novozymes samily that yes, we will agree with 21 the tax authorities to that between the same in that made decision with respect 22 I when I say executive management 23 I mean what we internally define as the 24 the tax authorities to that we specially enable the specific royally rate we are talking 24 a When I say executive management 25 I have been personally involved in making the 26 Sugestion, yes, to the executive management of suggestion, yes, to the executive management of suggestion, yes, to the executive management and mone the people, 24 A No. 25 Q So you're not part of executive 26 Q	ł		1		
the —I know you haven't read it, but from your conversations and understanding of this agreement, do you know anything about the nature of the license that is granted to Novozymes North America? MR. SULLIVAN: Objection, it calls for a legal conclusion. MR. SULLIVAN: If you can answer, you can answer. MR. SULLIVAN: If you can answer, you can answer. If will not be able to make the — what is the calculation of these two different. MR. SULLIVAN: If you can answer, you can answer. Do you can answer. MR. SULLIVAN: If you can answer, you can answer. MR. SULLIVAN: If you can answer, you can answer. Do you can answer. MR. SULLIVAN: If you can answer, you can answer. MR. SULLIVAN: Objection, it calls for a legal conclusion. MR. SULLIVAN: If you can answer, you can answer. MR. SULLIVAN: If you can answer, you can answer. Do you can answer. MR. SULLIVAN: If you can answer, you you can answer. You you can answer. MR. SULLIVAN: If you can answer, you you can answer. You you can answer. MR. SULLIVAN: If you can answer, you you have to be a with the tex author it was a fail reharge I think was you within America? MR. SULLIVAN: If you can answer, you you can answer. You you can answer. You you can answer. You you have — personally do you If a BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Nvovzymes A/S could choose if it wanted to to license the You have any understanding about whether Nvovzymes A/S could choose if it wanted to to license the You have any understanding about whether Nvovzymes A/S could choose if it wanted to to license the You have any understanding about whether Nvovzymes A/S could choose if it wanted to to license the You have any understanding about whether Nvovzymes A/S could choose if it wanted to to license the You you report to? A I have for a legal conclusion. A I have to answer? A I BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Nvovzymes A/S could choose if it wanted	ı		6		
8 the - Î know you haven't read it, but from your conversations and understanding of this agreement, do you know anything about the 11 nature of the license that is granted to 12 Novozymes North America?			7		i
9 your conversations and understanding of this arture of the license that is granted to 12 Novozymes North America? 13 Specifically whether the license 14 is exclusive or non-exclusive? 14 easily seed to 15 MR, SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR, SULLIVAN: If you can answer, 19 MR, SULLIVAN: If you can answer, 20 you can answer, 21 A I haven't read the agreement, so 21 will not be able to make the what is the 22 will not be able to make the what is the 24 understanding of these two different. 24 bave any understanding about whether Novozymes North America? 25 Do you have personally do you 25 A I have not knowledge. 26 A I have no knowledge. 27 A I have no knowledge. 28 A I have no knowledge. 39 A I have no knowledge. 30 You had 30 the discussions with the tax authorities to about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North America? 29 A Yes. 30 Do you recall generally that subject? 30 Do you recall generally that subject? 31 East CFO part of what you 25 A Yes. 32 O Do you recall generally that subject? 34 A Yes. 36 O Do you recall generally that subject? 36 A Yes. 36 O Do you recall generally that subject? 36 A Yes. 37 A Yes. 38 O Do you recall generally that subject? 31 I will novozymes knith the tax authorities to the specific royalty rate we are talking about ther? 32 A When I say executive management that would be five people, 15 have been personally involved in making the executive management that would be received management that would be received management that would be received management that would be revecutive management. 32 A No. 32 A	1		8	Q Were you part of the executive	ĺ
11 nature of the license that is granted to 22 Novozymes North America? 23 Specifically whether the license 24 is exclusive or non-exclusive? 25 MR. SULLIVAN: Objection, it 26 calls for a legal conclusion. 27 Q Go ahead. 28 A But I have to answer? 29 you can answer. 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the – what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have – personally do you 26 you have – personally do you 27 you had mentioned, you had 28 talked about the discussions with the tax authorities about whether it was a fair charge I think was your prace for the use by Novozymes North America? 26 A I fl what? 27 Q Do you recall generally the sissue? 28 A Yes. 29 Q I my interminding you of the issue to take you back there within Novozymes, whatever entity of the sissue to take you back there with my next couple of questions. 28 When I say executive management that would be five people, law that we internally define as the executive management that would be five people, law that we internally define as the executive management of going for this agreement. 30 Q So you're not part of executive management? 4 No. 4 I have not part of executive management? 5 A No. 5 Q A No. 6 Q A No. 6 Q A No. 7 Q A Syou use that term? 8 A No. 9 Q I a manyer. 9 Q A No. 9 Q Which reminds me to ask you, who do you report to? 4 You had mentioned, you had talked about the discussions what you heard about the discussions with the tax authorities about the discussions wi	9		9		
12 Novozymes North America? 13 Specifically whether the license 14 is sexclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the — what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have — personally do you 26 A No. 27 A I haven't read the agreement so 28 A/S could choose if it wanted to to license the 29 To you had mentioned, you had 20 a talked about the discussions with the tax authorities a baout whether it was a fair charge I think was 21 your phrase for the use by Novozymes North 22 A If I wanted to use by Novozymes North 23 A Fig was a fair charge I think was 24 you phrase for the use by Novozymes North 25 Q Do you recall generally 26 A If wanted to use by Novozymes North 27 A Yes. 28 Q I am just reminding you of the 29 issue to take you back there with my next 20 couple of questions. 29 within Novozymes, whatever entity of the 20 Novozymes family that yes, we will agree with 20 the testifying about that issue? 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 the main reasons for choosing this. 24 the tax authorities to take you back there with my next 25 to A Whon I mean what we internally define at weacutive management that would be five people, 15 I have been personally involved in making the suggestion, yes, to the executive management of points agreements. 26 Q So you're not part of executive management. 27 A No. 29 A No. 20 Q So you're not part of executive management. 29 A No. 20 Q Which reminds me to ask you, who do you report to? 21 A No. 22 BENNY LOFT - HIGHLY CONFIDENTIAL 23 Novozymes. 24 A That's COPT in the CFO in 25 A Yes. 26 Q So you made a recommendation 27 yes, we should agree to this royalty rate, correct? 28 Q So you made a recommendation 29 So you made a recommendation 29 The form of the executiv	10	agreement, do you know anything about the	10		
13 Specifically whether the license 14 executive management that would be five people, 15 MR. SULLIVAN: Objection, it 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer. 19 management? 19 MR. SULLIVAN: If you can answer. 19 management? 10 MR. SULLIVAN: If you can answer. 10 Q A No. 21 Q A No. 22 A No. 23 Q Which reminds me to ask you, who do you report to? 25 A I report to the CFO in Page 57 19 MR. SULLIVAN: If you can answer. 10 Q Which reminds me to ask you, who do you report to? 25 A I report to the CFO in Page 57 10 MR. SULLIVAN: If you can answer. 10 Q So you're not part of executive management? 10 Movozymes and non-exclusive, not even the 20 A No. 21 A I report to the CFO in Page 57 25 A Yes. 20 So you made a recommendation 25 A Yes. 27 A Yes. 28 A Yes. 29 A That's correct. 29 A That's correct. 29 A That's correct. 29 A That's correct. 20 A Yes. 21 A Yes. 22 A Yes. 23 A Yes. 24 A Yes. 25 A Yes. 26 A Yes. 27 A Yes. 28 A Yes. 29 A That's correct. 29 A That	11	nature of the license that is granted to	11		
14 is exclusive or non-exclusive? 15 MR. SULLIVAN: Objection, it calls for a legal conclusion. 16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, you can answer. 19 MR. SULLIVAN: If you can answer, you can answer. 19 MR. SULLIVAN: If you can answer, you can answer. 19 MR. SULLIVAN: If you can answer. 19 MR. SULLIVAN: If you can answer, you can answer. 19 MR. SULLIVAN: If you can answer. 10 Q A No. 21 Q As you use that term? 22 A No. 22 A No. 24 do you report to? 25 A I report to the CFO in 24 do you report to? 25 A I report to the CFO in 26 MR. SULLIVAN: If you can answer. 26 MR. SULLIVAN: If you can answer. 27 Q Do you can answer. 28 Q Do you see that term? 29 A I report to the CFO in 29 A I report to the CFO in 29 A I report to the CFO in 29 A Yes. 20 So you made a recommendation 20 So you made a recommendation 20 So you made a recommendation 20 What was the basis for your 20 Q What was the basis for your 20 Q What was the basis for your 21 A If what? 20 Do you recall generally 21 So you recall generally 22 A No. 23 So you made a recommendation 23 MR. Sullivant 24 So you made a recommendation 25 A Yes. 26 Q What was the basis for your 27 A If what? 28 A If what? 29 A I report to the CFO in 29 A T report to the CFO in 29 A Yes. 20 Own made a recommendation 20 What was the basis for your 20 Q What was the basis for your 21 A If what? 20 Do you recall generally 20 A I report			12	A When I say executive management	
MR. SULLIVAN: Objection, it calls for a legal conclusion. 16	13	Specifically whether the license	13		ı
16 calls for a legal conclusion. 17 Q Go ahead. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have personally do you 26 BENNY LOFT - HIGHLY CONFIDENTIAL 27 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you beard 9 about the discussions what you heard 11 your phrase for the use by Novozymes North 12 A If I what? 13 A Yes. 14 A If I what? 15 Q Do you recall generally that subject? 16 A Yes. 17 Q O you pade a recommendation 18 Q Day our recall generally that subject? 19 A Yes. 10 Q What was the basis for your 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 20 Who made the ultimate decision 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 25 Cornect? 26 A No. 27 Q Which reminds me to ask you, who 28 do you report to? 29 A I report to the CFO in 29 A Treport to the CFO in 29 A Tender Tender Tender 20 So you made a recommendation 20 Yes, we should agree to this royalty rate, 20 correct? 20 A Yes. 21 A No. 22 A No. 23 Q Which reminds me to ask you, who 24 doyou report to? 25 A Ves. 26 Q So you made to some the tax authorities of the vest and non-easing for the say you and a recommendation? 21 Tender Tender Tender 22 A I'report to the CFO in 23 Recursive Tender Tender 24 A If we to A I'report to the CFO in 25 A Yes. 26 Q So you made			ł		
17 going for this agreement. 18 A But I have to answer? 19 MR. SULLIVAN: If you can answer, 20 you can answer. 21 A I haven't read the agreement, so 22 I will not be able to make the what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have personally do you 26 Do you have personally do you 27 A I report to the CFO in Page 55 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions with the tax authorities 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 21 A merica of Novozymes A/S's technology, do you 22 recall generally that subject? 23 Q Which reminds me to ask you, who 24 do you report to? 25 A I report to the CFO in Page 57 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 Q You had mentioned, you had 8 talked about the discussions with the tax authorities 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 24 do you record terminy about that tax 25 Q A No. 26 A I report to the CFO in 27 A Yes. 28 O You made a recommendation 29 A That's correct. 29 A That's correct. 30 Q What was the basis for your 31 recommendation? 32 Termind f			5		
A But I have to answer? MR. SULLIVAN: If you can answer, you can answer. I A I haven't read the agreement, so		_	ş.		-
MR. SULLIVAN: If you can answer, you can answer. A I haven't read the agreement, so Do you have personally do you Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes A I save not knowledge. A I have no knowledge. A Yes. A That's correct. A I's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this operate, the right level of taxes, and in this particular case we decided because North America is a big entity they would like to have certainty about the tax susto take you back there with my next couple of questions. Who made the ultimate decision Who m	\$	•	1		ı
you can answer. 1	3		i		ı
21 I will not be able to make the what is the 22 I will not be able to make the what is the 23 exclusive and non-exclusive, not even the 24 understanding of these two different. 25 Q Do you have personally do you Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about whether it was a fair charge I think was 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. Q I am just reminding you of the 18 issue to take you back there with my next 19 issue to take you back there with my next 20 touple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Q Which reminds me to ask you, who do you report to? A I report to the CFO in Page 57 A Yes. Q Is that CFO part of what you called executive management? A Yes. Q So you made a recommendation yes, we should agree to this royalty rate, correct? A That's correct. Q What was the basis for your recommendation? A Brevery important for us to particular case we decided because North A Areirca is Novozymes North America is a big 17 A Yes. Q I am just reminding you of the 18 issue to take you back there with my next 19 issue to take you back there with my next 20 touple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to th		-	ì		
I will not be able to make the what is the exclusive and non-exclusive, not even the understanding of these two different. Description of the personally do you Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes A/S could choose if it wanted to to license the dayout discussions with the tax authorities about whether it was a fair charge I think was about the discussions with the tax authorities about whether it was a fair charge I think was 1 you phrase for the use by Novozymes North America of Novozymes A/S technology, do you recall generally that subject? A If I what? Q Do you recall generally A If I what? Q Do you recall generally Mho made the ultimate decision within Novozymes whatever entity of the susue to take you back there with my next couple of questions. Who made the ultimate decision within Novozymes, whatever entity of the was a fair charge. Who made the ultimate decision within Novozymes, whatever entity of the susual and so to make sure to pay the taxes, untout the main reasons for choosing this. A Yes. Q I am just reminding you of the issue to take you back there with my next couple of questions. Who made the ultimate decision within Novozymes, whatever entity of the case and non-exclusive, onto the do you report to? A I report to the CFO in Page 57 BENNY LOFT - HIGHLY CONFIDENTIAL 1 Novozymes. 3 Q Is that CFO part of what you alled executive management? 4 Yes. Q So you made a recommendation 7 yes, we should agree to this royalty rate, correct? 9 A That's correct. 9 A That's correct. 10 Q What was the basis for your recommendation? 10 A It's very important for us to make sure that we pay taxes wherever we decided because North 11 personation? A It's very important for us to make sure that we pay taxes wherever we decided because North 12 A Formation in the fidentity of the surface and also to make sure to pay the taxes, th					ı
23 exclusive and non-exclusive, not even the understanding of these two different. 24 understanding of these two different. 25 Q Do you have personally do you Page 55 Page 55 1 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes and A/S could choose if it wanted to to license the discussions with the tens and the tax authorities about the discussions with the tax authorities about whether it was a fair charge I think was your prosession which we have a for the use by Novozymes North are commendation? 2 A If I what? 3 A Yes. 4 If I what? 4 A If I what? 5 Q Do you recall generally 5 A Yes. 6 A I have no knowledge. 7 Q You had mentioned, you had talked about the discussions with the tax authorities about whether it was a fair charge I think was your prase for the use by Novozymes North are commendation? 4 A If I what? 5 A Yes. 6 A That's correct. 7 Q What was the basis for your recommendation? 8 talked about the discussions with the tax authorities about the discussions with the tax authorities of the use by Novozymes North are correct? 9 A That's correct. 9 A That's correct. 9 A That's correct. 10 Q What was the basis for your recommendation? 11 recommendation? 12 A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North America is a big entity they would like to have certainty about the tax at taxes also, so the certainty about the tax taxes also, so the certainty about th	I		Į.	•	
24 understanding of these two different. 25 Q Do you have personally do you Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions what you heard 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? Page 57 A I report to the CFO in Page 57 A I report to the CFO in Page 57 A I report to the CFO in Page 57 A I report to the CFO in Page 57 BENNY LOFT - HIGHLY CONFIDENTIAL 1 Novozymes. 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Novozymes. 2 Q So you made a recommendation 2 Yes, we should agree to this royalty rate, 2 Correct? 4 A That's correct. 9 A That's correct. 9 A It's very important for us to make sure that we pay taxes wherever we 10 particular case we decided because North 11 America is Novozymes North Ame	1				1
Page 55 BENNY LOFT - HIGHLY CONFIDENTIAL have any understanding about whether Novozymes A/S could choose if it wanted to to license the 4 031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions with the tax authorities 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? Page 57 BENNY LOFT - HIGHLY CONFIDENTIAL 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Novozymes. 3 Q Is that CFO part of what you 4 called executive management? 4 A Yes. Q So you made a recommendation yes, we should agree to this royalty rate, called executive management? A Yes. Q What was the basis for your recommendation? A Merica is Novozymes North A merica is Novozymes North America is a big entity they would like to have certainty about 18 taxes also, so the certainty about that tax 19 level and also to make sure to pay the taxes, 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? Page 57 BENNY LOFT - HIGHLY CONFIDENTIAL 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 Novozymes. 3 Q Is that CFO part of what you alled executive management? 4 A Yes. Q So you made a recommendation yes, we should agree to this royalty rate, called executive management? A Yes. Q What was the basis for your recommendation? 4	1		•		ı
Page 55 1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A IfI what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 10 BENNY LOFT - HIGHLY CONFIDENTIAL 1 BENNY LOFT - HIGHLY CONFIDENTIAL 1 Novozymes. 3 Q Is that CFO part of what you 2 called executive management? 4 A Yes. 6 Q So you made a recommendation 7 yes, we should agree to this royalty rate, 2 correct? 9 A That's correct. 10 Q What was the basis for your 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 A IfI what? 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 10 the main reasons for choosing this. 20 Q And by certainty you mean, do 21 you not, that it's good to at least know that 23 you not, that it's good to at least know that 24 the tax authorities to that percentage rate?					
1 BENNY LOFT - HIGHLY CONFIDENTIAL 2 have any understanding about whether Novozymes 3 A/S could choose if it wanted to to license the 4 '031 patent to some entity other than Novozymes 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions what you heard 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes Tamily that yes, we will agree with 24 the tax authorities to that percentage rate? 1 BENNY LOFT - HIGHLY CONFIDENTIAL 1 Novozymes. 2 Novozymes. 2 Novozymes. 3 Q Is that CFO part of what you 2 called executive management? 3 Q So you made a recommendation 7 yes, we should agree to this royalty rate, 2 called executive management? A Yes. 4 Called executive management? A Yes. 9 A That's correct. 9 A It's very important for us to 11 recommendation? 12 A It's very important for us to 12 particular case we decided because North 13 make sure that we pay taxes wherever we 14 A If I what? 15 A Yes. 16 Q Do you recall generally 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax entity they would like to have certainty about 18 taxes also, so the certainty about the taxes, 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the tax authorities to that percentage rate?					1
have any understanding about whether Novozymes A/S could choose if it wanted to to license the '031 patent to some entity other than Novozymes North America? A I have no knowledge. Q You had mentioned, you had talked about the discussions what you heard about the discussions with the tax authorities about the discussions with the tax authorities about whether it was a fair charge I think was your phrase for the use by Novozymes North A merica of Novozymes A/S's technology, do you recall generally that subject? A If I what? Q Do you recall generally testifying about that issue? A Yes. Q I am just reminding you of the issue to take you back there with my next couple of questions. Who made the ultimate decision Who made the ultimate decision Within Novozymes, whatever entity of the Novozymes family that yes, we will agree with the tax authorities to that percentage rate? A/S could choose if it wanted to to license the A Yes. A Yes. A Yes. A That's correct. A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North America is Novozymes North America is a big entity they would like to have certainty about A Yes. A Yes. A Yes. A Yes. A If was a fair charge I think was particular case we decided because North America is Novozymes North America is a big entity they would like to have certainty about the tax some of the as I recall it, some of the main reasons for choosing this. A Who made the ultimate decision you not, that it's good to at least know that the tax authorities to that percentage rate?	1	•	1	-	
A/S could choose if it wanted to to license the 1/031 patent to some entity other than Novozymes 5 North America? 5 North America? 5 A Yes. 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions with the tax authorities 10 10 11 12 13 14 15 15 16 16 17 18 18 18 19 18 18 19 18 18 19 18 18 19 18 18 19 18 18 19 18 18 18 19 18 18 18 18 18 18 18 18 18 18 18 18 18	1		:		
4 called executive management? 5 North America? 6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions with the tax authorities 10 about whether it was a fair charge I think was 10 Q What was the basis for your 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 Who was the basis for your 13 recommendation? 14 A It's very important for us to 15 make sure that we pay taxes wherever we 16 operate, the right level of taxes, and in this 17 particular case we decided because North 18 taxes also, so the certainty about 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 4 called executive management? 5 A Yes. Q So you made a recommendation 7 yes, we should agree to this royalty rate, 6 Q So you made a recommendation 7 yes, we should agree to this royalty rate, 8 correct? 9 A That's correct. 10 Q What was the basis for your 12 recommendation? 13 make sure that we pay taxes wherever we operate, the right level of taxes, and in this 15 particular case we decided because North 16 A Merica is Novozymes North America is a big 17 taxes also, so the certainty about the tax 18 level and also to make sure to pay the taxes, 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of the main reasons for choosing this. 21 Use of the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the tax authorities to that pe	ı				
North America? A I have no knowledge. You had mentioned, you had talked about the discussions what you heard about the discussions with the tax authorities about whether it was a fair charge I think was your phrase for the use by Novozymes North America of Novozymes A/S's technology, do you recall generally that subject? A If I what? Q Do you recall generally testifying about that issue? A Yes. Q So you made a recommendation yes, we should agree to this royalty rate, correct? A That's correct. Q What was the basis for your recommendation? A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North A A Yes. Q I am just reminding you of the issue to take you back there with my next couple of questions. Who made the ultimate decision within Novozymes, whatever entity of the Novozymes family that yes, we will agree with the tax authorities to that percentage rate? A Yes. A Yes. A Yes. A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North A America is Novozymes North America is a big entity they would like to have certainty about taxes also, so the certainty about the tax taxes also, so the certainty about the tax level and also to make sure to pay the taxes, the main reasons for choosing this. Q And by certainty you mean, do you not, that it's good to at least know that the government agrees with our 40 percent	l		:		1
6 A I have no knowledge. 7 Q You had mentioned, you had 8 talked about the discussions what you heard 9 about the discussions with the tax authorities 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percent age rate? 6 Q So you made a recommendation 7 yes, we should agree to this royalty rate, 20 correct? 9 A That's correct. 10 Q What was the basis for your 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 operate, the right level of taxes, and in this 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 19 the main reasons for choosing this. 20 And by certainty you mean, do 21 Who made the ultimate decision 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the tax authorities to that percentage rate? 7 Q And by certainty you mean, do 24 the government agrees with our 40 percent				"	
7 yes, we should agree to this royalty rate, 8 talked about the discussions what you heard 9 about the discussions with the tax authorities 10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 Within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 7 yes, we should agree to this royalty rate, 8 correct? 9 A That's correct. 10 Q What was the basis for your 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 operate, the right level of taxes, and in this 15 particular case we decided because North 16 A Yes. 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent			5	O So you made a recommendation	
about the discussions with the tax authorities about whether it was a fair charge I think was your phrase for the use by Novozymes North America of Novozymes A/S's technology, do you recall generally that subject? A If I what? Do you recall generally testifying about that issue? A Yes. Q I am just reminding you of the issue to take you back there with my next couple of questions. Who made the ultimate decision Novozymes family that yes, we will agree with the tax authorities to that percentage rate? A That's correct. Q What was the basis for your recommendation? A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North America is Novozymes North America is a big entity they would like to have certainty about the taxes also, so the certainty about the tax level and also to make sure to pay the taxes, that's some of the as I recall it, some of the main reasons for choosing this. Q And by certainty you mean, do you not, that it's good to at least know that the government agrees with our 40 percent	7		7		1
10 about whether it was a fair charge I think was 11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 10 Q What was the basis for your 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 operate, the right level of taxes, and in this 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 19 the main reasons for choosing this. 20 And by certainty you mean, do 21 you not, that it's good to at least know that 22 the government agrees with our 40 percent	8	talked about the discussions what you heard	8	correct?	
11 your phrase for the use by Novozymes North 12 America of Novozymes A/S's technology, do you 13 recall generally that subject? 14 A If I what? 15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 11 recommendation? 12 A It's very important for us to 13 make sure that we pay taxes wherever we 14 operate, the right level of taxes, and in this 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent	9	about the discussions with the tax authorities	9		1
America of Novozymes A/S's technology, do you recall generally that subject? A If I what? Do you recall generally testifying about that issue? A Yes. Q I am just reminding you of the issue to take you back there with my next Couple of questions. Who made the ultimate decision Who move ymes, whatever entity of the Novozymes family that yes, we will agree with the tax authorities to that percentage rate? A It's very important for us to make sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North A America is Novozymes North America is a big entity they would like to have certainty about taxes also, so the certainty about the tax level and also to make sure to pay the taxes, that's some of the as I recall it, some of the main reasons for choosing this. Q And by certainty you mean, do you not, that it's good to at least know that the government agrees with our 40 percent	10		10	•	ı
recall generally that subject? A If I what? Q Do you recall generally testifying about that issue? A Yes. Q I am just reminding you of the issue to take you back there with my next Couple of questions. Who made the ultimate decision Who made the ultimate decision Who made the ultimate decision Within Novozymes, whatever entity of the Novozymes family that yes, we will agree with testifying about that issue? A Yes. I amake sure that we pay taxes wherever we operate, the right level of taxes, and in this particular case we decided because North A merica is Novozymes North America is a big entity they would like to have certainty about taxes also, so the certainty about the tax level and also to make sure to pay the taxes, that's some of the as I recall it, some of the main reasons for choosing this. Q And by certainty you mean, do you not, that it's good to at least know that the government agrees with our 40 percent					
A If I what? Q Do you recall generally 15 Q Do you recall generally 16 testifying about that issue? A Yes. Q I am just reminding you of the 18 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 14 operate, the right level of taxes, and in this 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
15 Q Do you recall generally 16 testifying about that issue? 17 A Yes. 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 15 particular case we decided because North 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
testifying about that issue? A Yes. Q I am just reminding you of the 1ssue to take you back there with my next couple of questions. Who made the ultimate decision Who made the ultimate decision within Novozymes, whatever entity of the Novozymes family that yes, we will agree with the tax authorities to that percentage rate? 16 America is Novozymes North America is a big 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent		• • • • • • • • • • • • • • • • • • • •			
17 entity they would like to have certainty about 18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 17 entity they would like to have certainty about 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
18 Q I am just reminding you of the 19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 18 taxes also, so the certainty about the tax 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
19 issue to take you back there with my next 20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 19 level and also to make sure to pay the taxes, 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent		·			
20 couple of questions. 21 Who made the ultimate decision 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 20 that's some of the as I recall it, some of 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
Who made the ultimate decision 21 the main reasons for choosing this. 22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 21 the main reasons for choosing this. 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent					
22 within Novozymes, whatever entity of the 23 Novozymes family that yes, we will agree with 24 the tax authorities to that percentage rate? 22 Q And by certainty you mean, do 23 you not, that it's good to at least know that 24 the government agrees with our 40 percent				,	l
Novozymes family that yes, we will agree with the tax authorities to that percentage rate? 23 you not, that it's good to at least know that the government agrees with our 40 percent					
24 the tax authorities to that percentage rate? 24 the government agrees with our 40 percent					l
, , , , , , , , , , , , , , , , , , , ,					
	25	A Novozymes A/S.		royalty rate, correct?	

15 (Pages 54 to 57)

	Page 58		Page 60		
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL		
2	A Yeah.	2	Q That's what I was about to start		
3	Q Because if you didn't if you	3	asking you.		
4	hadn't had that agreement with the tax	4 A Okay.			
5	authorities, then there might be uncertainty	5 Q I'm told this was an effort to			
6	about whether the U.S. Government, for one,	6	represent some, I don't know if it was all or		
7	would agree with the transfer pricing, correct?	7	not, so let me ask you a couple of questions.		
8	A That's correct.	8	MR. SULLIVAN: Let me just		
9	Q And that would create some risk	9	interject one comment. As I understand		
10	or uncertainty about your tax calculations with	10	it this was calculated based upon the		
11	respect to the North American entity, is that	11	various agreements that are identified		
12	correct?	12	in the left-hand side here, these		
13	A That would create a risk when we	13	categories of payments with respect to		
14	are reporting to the stock market in Copenhagen	14	certain agreements that were discussed		
15	that the taxes of Novozymes group can change.	15	and this was an attempt to talk about		
16	Q Do you know anything about the	16	the dollars flowing back and forth with		
17	positions the U.S. Government took about here	17	respect to these categories that are		
18	is why we think it should be 40 percent?	18	listed here.		
19	A I haven't been speaking myself	19	THE WITNESS: Right.		
20	to the IRS, but the material that we have	20	A It's not the trading part, it's		
21	helped and produced in this respect was a	21	not if Novozymes North America is buying		
22	benchmark where we compared Novozymes North	22	directly goods produced in Denmark, in China,		
23	America with other similar companies in the	23	wherever we decide to produce it, I cannot see		
24		24	that being part of that, so		
25	earnings these benchmark companies have.	25	Q And I think what Mr. Sullivan		
	Page 59		Page 61		
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL		
2	And based on that, what kind of	2	said is consistent with what I remember, and		
3	percentages do we need to make sure that we	3	what you just said is consistent with what I		
4	make the same earnings in Novozymes North	4	remember, so let me just ask you a couple of		
5	America than peers, other companies within the	5	questions to follow-up to make sure I		
6	U.S. make, so that's the way the 40 percent	6	understand it completely.		
7	arises.	7	So, for example, Novozymes North		
8	Q I think I am done with number 4	8	America sells products in the United States		
9	which is this technology license agreement, so	9	that may be manufactured by some other		
10	you may toss that over to the court reporter.	10	Novozymes entity outside of the United States, correct?		
11	Let's turn back to number 2, if	1			
12 13	we could, that got us down this path.	12	A That can easily happen. O In those cases the sales,		
14	I will represent to you, sir, that one of the things we were told about this	14	Novozymes North America technically buys those		
15	document, number 2 when it was given to us was	15	products from some other Novozymes entity,		
16	this was an effort to represent accounting for	16	correct?		
17	transactions and payments owing between	17	A Yes.		
18	Novozymes North America and Novozymes A/S.	18	Q And it's treated as a purchase		
19	You don't have to agree with	19	by one entity and a sale by the other, correct?		
20	these numbers or anything, I'm telling you	20	A That's correct.		
21	that's what we were told about it.	21	Q This chart number, it doesn't		
22	Do you have a question, or you	22	show that activity, does it, I'm not		
23	understand?	23	criticizing the chart, I'm just making sure we		
24	A You say it's covering all	24	understand it doesn't show that, correct?		
25	transactions?	25	A I cannot see that.		
4					

16 (Pages 58 to 61)

Γ	Page 62		Page	64	
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	0.1	
2	Q Is it possible if you walked	2			
3	back into your office and could get your staff	3	A I know there is an agreement,		
4	working on it right away, is it possible to				
5	say, to get a report that says I want to see	a la mera some mi your			
6		6	organization who's responsible for keeping		
7	all the transactions between Novozymes North America and Novozymes A/S, for example?	7	track of performance of service agreements like		
1		8	that, is each party to that agreement doing the		
8 9		9	jobs and appropriately paying or charging for		
10	Q For 2005, could you generate a report like that?	10	services provided?		
11	A When you say generate a report,	1	A There are several people, both		
12		11 12	in Novozymes A/S and in the affiliates which is		
13	what do you mean, all transactions or what?	13	responsible for making sure that we are in		
14	Q Or a top line summary of transactions, will you let me you shouldn't	14	,		
15		15	have agreed upon.		
16	have to guess at what I want, so let me try to	1	Q Who is the person that would be		
17	ask you some more specific questions. If you wanted to know all	16 17	responsible within Novozymes North America for		
18	purchases and sales, for example, between	18	that compliance?		
19	Novozymes North America and Novozymes A/S,	19	A It would not be one person, it would be more than one person.		
20	either direction, could you get that	20			
21	information in your office?	21			
22	A It's a legal requirement that we	22	in charge of that group of people at Novozymes North America?		
23	are able to trace all transactions so yes.	23	A It could easily be two kinds,		
24	Q Is a report of those	24	two persons, just to explain there will be a		
25	transactions regularly generated?	25	person responsible for taxes and she'll monitor		
		27			
	Page 63		Page (65	
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL		
2	Like every month, every quarter,	2	most of these agreements, but all the more		
3	every year there is a report, here is the	3	bookkeeping part and trying to trace cost and		
4	transaction report?	4	so forth, that will be a different person.		
5	A I'm not aware of that kind of	5	Q What are the names of those		
6	report.	6	people at Novozymes North America today, if you		
7	Q Are you aware of which Novozymes	7	know?	l	
8	entity is paying the legal fees in connection	8	A I don't know.		
9	with this case, the one that brings us, you and	9	MR. LANIER: I am done with		
10	I here together today?	10	number 2, you can give that back to the	l	
11	A I'm aware that we do have	11	court reporter.		
12	service agreements between Novozymes A/S and	12	Q I am going to jump to number 5		
13	different affiliates, and if they perform work	13	real, quickly and I think I know the answer to	l	
14	for Novozymes A/S, which I would assume this	14	some of these questions, but I have to ask you		
15	is, I would also assume that we are paying for	15	anyway.		
16	these services.	16	This is called framework		
17	Q Do you know anything about the	17	agreement for services, it's Loft Exhibit		
18	specific service agreement that may apply to	18	number 5.	ı	
19	this situation?	19	(The above described document was		
20	A I would not if you show it to	20 21	marked Loft Exhibit 5 for identification,	ı	
21	me, I will not be able to say this is the	22	as of this date.)		
22 23	agreement. Q So, you assume or believe there	23	Q I will represent, I will tell		
23 24		24	you this is a document that was given to us by		
24 25	is some agreement, but you couldn't pick it out of a lineup?	25	Novozymes' lawyers out of the files of Novozymes and it was represented to be service		
·	or a moup:		THO YOU YARRO ARE IT WAS TEPTESCRIEU TO DE SEIVICE		

17 (Pages 62 to 65)

	Page 66		Page 6	8
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	agreement that potentially is relevant to this	2	companies is on an arms length basis, and arms	
3	case.	3	length being you could have done the same deal	
4	Do you recognize this agreement	4	with a third-party.	
5	at all, specifically this agreement?	5	Q Is that for tax purposes?	
6	A No.	6	A Yeah, that's for tax purposes.	
7	Q If you were to read it, would	7	Q Thank you.	
8	you able to tell me, to confirm or deny for	8	A I would correct it a little bit,	
9	sure that this is the agreement that relates to	9	I would say mainly for tax purposes, there	
10	the circumstances of this case?	10	would be other, I would not be able to tell if	
11	A Not having read it, it will be	11	there are other reasons as well.	
12	quite difficult for me to answer your question.	12	Q You are aware of tax purposes,	
13	Q I will represent to you, sir,	13	there might be others?	
14	that there has been testimony in this case that	14	A Yes.	
15	this is, in fact, the service agreement that	15	Q Thank you. I won't bother you	
16	relates in part to patent this litigation	16	more about this one, I have asked other people	
17	that brings us together.	17	questions about it, so I won't bug you.	
18	A Yes.	18	MR. LANIER: We are going to get	
19	Q Do you have any reason to doubt	19	back to Loft Exhibit 3 at some time, I	
20	that?	20 21	promise, Mr. Sullivan. MR. SULLIVAN: I can hardly wait.	
21	A No.	22		
22	Q Were you involved in the	23	Q Let's go to Loft Exhibit number 6. I promise you I will not ask you about all	
24	negotiation of this specific agreement? A No.	24	the pages in here, it's a thick document.	
25	A No. Q Do you know who did negotiate	25	This is it's also for the	
1	Page 67		Page 6	9
١,	•	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
1	BENNY LOFT - HIGHLY CONFIDENTIAL	2	record I will note it's been Defendant's trial	
2	it? A I don't know as a fact who was	3	Exhibit 740, you don't need to worry about	I
4	participating in the negotiation.	4	that, Mr. Loft, that's more for the record.	ĺ
5	Q Given the time frame, it's dated	5	This is, as you will see on the	
6	January 1, 2001, it's between Novozymes A/S and	6	reference in the cover page, it's an advance	ı
7	Novozymes North America.	7	pricing agreement, the cover of this document	
8	Do you have any belief about who	8	bears the date of August 29, 2003.	ļ
9	it was likely was involved in that negotiation,	9	I am not going to ask you too	i
10	if anyone?	10	much about specific pieces. If you need to	1
11	A Again, depending on what's in	11	skim through this to answer my question please	
12	here, if it's also to adjust and make sure that	12	let me know, but do you recognize this?	
13	we are on an arms length basis between	13	A I am aware that we have an	ĺ
14	companies in the group, I would assume that our	14	advance pricing agreement.	
15	Tax Department in Denmark would have been part	15	Q You and I had talked earlier in	ļ
16	of this.	16	the day about an agreement with the tax	
17	I would also, of course, assume	17	authorities.	
18	that the legal department would be part of this	18	A Yes.	
19	agreement as well.	19	Q Is that the advance pricing	
20	Q You used the phrase arms length,	20	agreement to which you are referring?	
21	what did you mean by that?	21 22	A Yes. Q Have you ever read the advance	
22	A That's a general term used where	23	Q Have you ever read the advance pricing agreement?	1
22				- F
23	you basically try to make sure that whatever			ŀ
23 24 25	you do in the Novozymes group, that we aim at	24 25	A I don't remember. Q Take a minute. I'm not asking	

18 (Pages 66 to 69)

		Į		_
	Page 70		Page 72	2
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	you to read the whole thing, but glance through	2	tax authorities?	
3	the first few pages and tell me if that	3	A No conclusion.	
4	refreshes your recollection about whether	4	Q Is there a time frame by which	
5	you've ever read it before or not?	5	this advance this new advance pricing	
6	A I will not be able to remember	6	agreement is expected to be concluded?	
7	the detailed content of this, so I don't need	7	A No.	
8	to.	8	Q Is there any deadline?	
9	Q All right, very well.	9	A Not as far as I know.	
10	MR. SULLIVAN: I'm sorry, just so	10	Q Understood, sir. Thank you for	
12	we are clear, you may have said this already, is this a partial copy of the	11 12	clarifying that.	
13	entire agreement, perhaps excluding some	13	Is there any deadline by which it must be concluded?	
14	of the exhibits?	14	A I don't remember.	
15	MR. LANIER: It's got exhibits	15	Q Is the agreement that's in front	
16	and things like this. This was given to	16	of us here the one that has the date on the	i
17	us in response to our request for the	17	cover August 29, 2003, is it still in effect?	
18	advance pricing agreement.	18	A No.	
19	This is the document that was	19	Q When did it expire?	
20	provided to us as it was provided to us.	20	A As far as I remember, end of	
21	MR. SULLIVAN: Okay.	21	2004.	
22	Beyond that I can say no more, but	22	Q Have there been any other	
23	I can only say what we were told.	23	advance pricing agreements between the expiry	
24	Q Are you aware of whether there	24	at the end of 2004 and the current date?	ı
25	are negotiations going on now concerning the	25	A What do you mean?	
	Page 71		Page 73	
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	l
2	terms of the concerning a new advance	2	Q If the agreement expired at the	
3	pricing agreement?	3	end of 2004, there are negotiations going on	ĺ
4	A Yeah, we have in Novozymes	4	now or consideration going on now toward a new	ı
5	have decided to pursue a new advance pricing	5	one, in the interim have there been any other	
6	agreement.	6	agreements that have also expired?	
7	Q Will that new advance pricing	7.	A I don't know.	
8	agreement potentially involve a change to the	8	Q Occasionally I will drift off in	
9	royalty rate under the technology license	9	thought like this, but in the end trust me,	ı
10	agreement we have discussed?	10	it's intended to make our time together more	ı
11	A If it turns out that the profit	11	efficient, so bear with me.	
12	in Novozymes North America is increasing, and	12	Would you turn, sir, I know you	ı
13	is going beyond the benchmark companies that we	13	said you haven't read this before, I'm going to	
14	were including in our analysis, then it	14	draw your attention	
15	certainly is our expectation that the	15	A That I didn't say, I said I	
16	percentage has to be looked at again.	16	didn't remember.	ı
17	Q In that scenario, if the profit	17	Q Thank you for clarifying. I	l
18	of Novozymes North America is increasing	18	didn't mean to misrepresent what you said. I	I
19 20	relative to the benchmark companies, what	19 20	want to draw your attention to a couple of	1
21	Novozymes A/S would want to do is increase the	21	specific things to see whether that refreshes your recollection about anything, and it may	
22	royalty rate, is that correct? A That's correct.	22	help me ask some questions.	
23	Q Has any conclusion been reached	23	So, turn to Page it's the	
24	within Novozymes North America as to what new	24	fourth page of the document, it's Page 2 of the	I
25	royalty rate, if any, to propose to the U.S.	25	actual advance pricing agreement on the bottom	
	TO Just J 2000; If utily to propose to the O.O.		A CONTROL DE LA	J

19 (Pages 70 to 73)

	Page 74	Ī		
_		Į	Page	76
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	it bears production number NV-D-0	2	in profit, I'm not representing that's actually	
3	A Is that the.	3	the number, let's say for 2005 Novozymes North	
4	Q It bears this production number	4	America made \$100 of profit before taxes.	
5	right here and for the record I will say it is	5	You have heard the phrase	
6	NV-D-0174801.	6	EBITDA, in fact let's focus on that.	
7	Are you on this page, sir?	7	Do you know what I mean by that,	
8	A Yes.	8	EBITDA, earnings before depreciation, interest	
9	Q Section 5D says that, "The IRS	9	and taxes?	
10	will determine whether taxpayer has complied	10	A Yes, but it yes, the two	
11	with this APA based on," and it goes on to say	11	phrases you are using is not the same, but	
12	things, do you see that?	12	Q I understand. So let's focus on	
13	Section 5D, it's at the very	13	the second one.	
14	bottom of the page?	14	Novozymes has \$100 EBITDA. Does	
15	A Yes. I see that.	15	Novozymes A/S get all of that \$100 as net	
16	Q Do you know whether the IRS has	16	profit at the end of the year on the	
17	communicated to any Novozymes entity any	17	consolidated return?	
18	conclusion it's reached about compliance with	18	A You need to be more precise.	
19	the APA?	19	If this is some kind of a local	
20	A I have not heard that we should	20	produced EBDA or it's the group reporting.	
21	not be in compliance.	21	Q Novozymes North America has to	ĺ
22	Q You see a reference there to	22	come to some conclusion about its profits or	
23	taxpayer in that same paragraph?	23	losses in order to calculate U.S. taxes that	
24	A Yes.	24	must be paid, correct?	
25	Q What's your understanding of who	25	A Yes.	
	Page 75		Page 7	77
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL	
2	is the taxpayer under this agreement?	2	Q So Novozymes North America comes	1
3	A I would think it's Novozymes	3	to a conclusion, again, let's take my made up	
4	North America.	4	number, \$100, we have made \$100, based on that	l
5	Q What's your understanding, if	5	we now can figure out how much taxes need to be	ı
6	any, of the consequences if the IRS were to	6	paid; is that how it works?	ļ
7	determine that there has not been compliance	7	A If it's an EBIT, after financial	ı
8	with this agreement?	8	items then after that you have to decide what	
9	A The consequences?	9	kind of taxes you have to pay, yes.	l
10	Q Yes.	10	Q So there is an amount of profit	
11	A That our tax payment according	11	that exists that are calculated before the	
12	to IRS should be changed, or potentially could	12	payment of taxes, correct?	
13	be changed.	13	A Yes.	
14	Q Does every dollar of profit made	14	Q And then after the payment of	
15	by Novozymes North America turn into a dollar	15	taxes there is a different amount of profit	
16	of profit for Novozymes A/S?	16	that remains, correct?	
17	MR. SULLIVAN: Objection as to	17	A I think you have I need you	
18	form.	18	to ask the questions again so I understand	
19	A Yes.	19	really which kind of numbers you are alluding	
20	Q Is that pretax or post tax?	20	to.	
21	A Both.	21	Q You used the phrase EBIT, let's	ľ
22	Q So, every dollar let me break	22	talk about that.	
23	it down then.	23	A Yes.	- [
24	Novozymes North America, let's	24	Q Novozymes North America	
	say it's made, and taking an easy number, \$100	25	calculates EBIT, right, earnings before	
				f

20 (Pages 74 to 77)

	Page 78		Page 8	30	
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL		
2	interest and taxes, right?	2	If you need to read any other		
3	A Yes.	3	part of this agreement to answer my questions		
4	Q Let's say it's \$100?	4	you will let me know.		
5	A Yes.	5	Please turn to Page 4 of the		
6	Q Out of that \$100, some amount is	6	document, request for admission number 7 and		
7	then taken out in order to pay taxes, correct?	7	the response, read that to yourself, tell me		
8	A If the EBIT is for tax purposes,	8	when you are done.		
9	if that phrase exists for tax purposes, yes.	9	A I have read it, I just want to		
10	Q Novozymes A/S, the way you	10	make sure that I understand the word ambiguous,		
11	described it earlier, gets the cash that's left	11	I understand the word vague, is that just		
12	over after the payment of taxes, correct?	12	another way of saying it?		
13	A That's correct.	13	Q Well, very strictly speaking		
14	Q Thank you for bearing with me on	14	vague means that you don't know the meaning of		
15	that, I don't have your background in these	15			
16	things, but I think I've got it.	16	ambiguous means that a term could have two or		
17	I think for the moment I am done	17	more meanings.		
18	with number 6, the APA, I may toward the end of	18	We lawyers tend to lump them		
19	our very last break come back and ask you some	19	together, but we philosophy majors know they		
20	questions about it, but I will throw it away	20	have different meanings.		
21	for now.	21	A So I read it, I'm not sure I		
22	Give it to the court reporter.	22	totally understand what it says.		
23	Now, Mr. Sullivan has been	23			
24	waiting for me to get to Exhibit number 3.	24	the lawyers, we ask our questions, the lawyers		
25	A All right.	25	make certain objections back, I'm going to ask		
1		ŧ.		_	
	Page 79	İ	Page 8	1	
1	Page 79 BENNY LOFT - HIGHLY CONFIDENTIAL	t	Page 8 BENNY LOFT - HIGHLY CONFIDENTIAL	1	
2	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was	2	_	1	
	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification,	1	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that	1	
2 3 4	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.)	2 3 4	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is	1	
2 3 4 5	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to	2 3 4 5	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation."	1	
2 3 4 5 6	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document,	23456	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that?	1	
2 3 4 5 6 7	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir?	2 3 4 5 6 7	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes.		
2 3 4 5 6 7 8	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before?	2 3 4 5 6 7 8	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of		
2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same?	2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a		
2 3 4 5 6 7 8 9	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same.	2 3 4 5 6 7 8 9 10	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that		
2 3 4 5 6 7 8 9 10 11	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems	2 3 4 5 6 7 8 9 10 11	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of		
2 3 4 5 6 7 8 9 10 11	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these.	2 3 4 5 6 7 8 9 10 11 12	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct?		
2 3 4 5 6 7 8 9 10 11 12 13	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a	2 3 4 5 6 7 8 9 10 11 12 13	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so.		
2 3 4 5 6 7 8 9 10 11 12 13	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document.	2 3 4 5 6 7 8 9 10 11 12 13 14	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it	(m)	
2 3 4 5 6 7 8 9 10 11 12 13 14 15	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that	2 3 4 5 6 7 8 9 10 11 12 13 14 15	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes	white the state of	
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 6 17	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are	2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct?		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way of asking questions to Novozymes and these are	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct? A The word related, we own them		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct? A The word related, we own them 100 percent, so that's the relationship.		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way of asking questions to Novozymes and these are the answers to those questions. A Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct? A The word related, we own them 100 percent, so that's the relationship. Q I understand, I'm not trying to		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way of asking questions to Novozymes and these are the answers to those questions. A Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct? A The word related, we own them 100 percent, so that's the relationship. Q I understand, I'm not trying to change that, is Novozymes A/S a different		
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	BENNY LOFT - HIGHLY CONFIDENTIAL (The above described document was marked Loft Exhibit 3 for identification, as of this date.) Q I guess I know the answer to this question, do you recognize this document, sir? A No. Have I seen that before? It's not the same? Q It is not the same. A I just saw the heading seems to be the same on these. Q You've correctly noted it's a similar looking document. A I just want to make sure that it's not the same. Q For our record these are responses to requests for admissions. These are I will tell you these are a different way of asking questions to Novozymes and these are the answers to those questions. A Yes. Q I am going to ask you about a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23	BENNY LOFT - HIGHLY CONFIDENTIAL you about the last sentence of the response. It says, "Novozymes admits that NZNA is a U.S. corporation and Novozymes A/S is a Danish corporation." Do you see that? A Yes. Q The formal legal act of incorporating Novozymes North America, that's a different set of formal legal acts than that which resulted in the incorporation of Novozymes A/S, correct? A I would assume so. Q Your understanding is is it your understanding that, in fact, Novozymes North America is a corporation that while it may be related to Novozymes A/S, is a different corporation than Novozymes A/S, is that correct? A The word related, we own them 100 percent, so that's the relationship. Q I understand, I'm not trying to		

21 (Pages 78 to 81)

	Page 82		Page 84
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	Q Would you read to yourself, turn	2	my notes, we will think about it I will
3	back to the document, request for admission	3	walk down the hall, we will come back
4	number 8 starts at the bottom of Page 4 and it	4	and get you out of here.
5	goes to the top of Page 5 the answer, please	5	(At this point in the proceedings
6	read that and tell me when you are done.	6	there was a recess, after which the
7	A Yes.	7	deposition continued as follows:)
8	Q Again, I am going to ask you	8	MR. LANIER: Let's go back on the
9	about the second sentence and the response, it	9	record.
10	says, "Novozymes admits that NZNA," that's	10	Q Mr. Loft, would you get back
11		11	Exhibit number 1, it is the interrogatory
12		12	responses, I think it's the one that's closes
13		13	to me there.
14	· · · · · · · · · · · · · · · · · · ·	14	I am going to draw your
15	Q Is that a yes?	15	attention to one of the bullet points that's in
16		16	the response to number 26, specifically on Page
17	Q Do you know whether there are	17	5, top of the page.
18	Novozymes North America employees that are paid	18	Second bullet point at the top
19		19	of the page says Novozymes A/S controls the
20		20	profits earned and cash received by NZNA, do
21	A I don't know.	21	you see that?
22	Q Is there any reason why	22	A I see that.
23		23	Q Does the U.S., other states and
24		24	local tax rates paid by NZNA affect the profits
25		25	earned by NZNA?
	Page 83	The state of the s	Page 85
1	BENNY LOFT - HIGHLY CONFIDENTIAL	1	BENNY LOFT - HIGHLY CONFIDENTIAL
2	A Going back to me not knowing all	2	A Ask again.
3	the details of the service agreement, if they	3	Q Sure.
4	are doing services for Novozymes people in	4	Does a change in the tax rates
5	North America, Novozymes North America directly	5	applicable to Novozymes North America affect
6	paid by the legal entity Novozymes North	6	the profits earned by Novozymes North America?
7	America, but indirectly we might be paying for	7	A Yeah.
8	the services that they provide to us.	8	Q Your tax rate goes higher, you
9	Q So let's say there is an	9	earn less profits, right?
10	employee at Novozymes North America that's	10	A Yes.
11	doing something covered by the service	11	Q Does Novozymes North America
12	agreement, is it the case that Novozymes North	12	control the tax rates paid by Novozymes does
13	America would then charge Novozymes A/S and	13	Novozymes A/S control the tax rates paid by
14	Novozymes A/S would strictly speaking pay	14	Novozymes North America?
15	Novozymes North America back for that?	15	A No, we don't.
16	A I would assume that would be the	16	Q Thank you, sir.
17	transaction, yeah.	17	We have taken a couple of breaks
18	Q Almost done with this document,	18	during the day, during any of those breaks has
19	sir.	19	anything, have you thought of anything that you
20	In fact, I am done with number	20	need to change or correct or modify about your
21	3. You may give it back to the court reporter.	21	answers to this point?
22	MR. LANIER: Frankly, I think I	22	A No.
23	am getting close to being done with my	23	Q Sir, I thank you for your time.
24 25	questions for Loft. Let me propose we	24	A You are welcome.
43	take a five minute break, I will look at	25	MR. LANIER: I have no more

22 (Pages 82 to 85)

		Page 86				Page 88
1		ITIAL	1	BENNY	Z LOFT - HIGHLY (CONFIDENTIAL
3			2	CEI	RTIFICATE	
4	questions either.		4	CE	KIIFICAIE	
1 5	MR. LANIER: Thank you.		5		EPHEN J. MOORE,	
17	BENNY DALGAARD LOFT		7	York, do herel	Notary Public of the : by certify:	State of New
9	Subscribed and sworn		8		•	
10	to before me this day of , 2006.		9 10		, BENNY ALGAAR deposition is herein	
1:	-		11	forth was duly	sworn, and that such	n deposition
12			12 13	is a true record witness.	d of the testimony give	en by such
14	·		14			
15		5 al	15 16		her certify that I am sof the parties to this a	
1:		1100	17	blood or marri	age; and that I am in	no way
18		Mediana	18 19	interested in th	ne outcome of this ma	atter.
20		DOOY I LIBERTA	20			
21		AAAATTA 1.44 quinque	21 22		tephen J. Moore, RP.	R,
23			23	C	IXIX.	To the second se
24 25			24 25			
		Page 87				Page 89
1	BENNY LOFT - HIGHLY CONFIDENTIAL	- WIND	1	BENNY	LOFT - HIGHLY C	
2 3	EXHIBITS	TO COMPANY AND A STATE OF THE S	2		RATA SHEET	
4 5	LOFT PAGE		3 4	PAGE/LINE	CHANGE FROM	CHANGE TO
6	1 Novozymes A/S's responses to 17	ACTIVITY OF THE STATE OF THE ST	5	Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Marie Ma		
7	interrogatories 2 Document bearing production 44	Add Ablancia or payment	6 7			
8	number NV-D 0174787 4 Technology license agreement 46	THE PROPERTY OF THE PROPERTY O	8			
	5 Framework agreement for 65		9 10	-		
9	services, 3 Responses to requests for 79		11	-		***************************************
10 11	admissions	1	12 13			
12 13			14			
14		j	15 16	-		
15 16			17			
17 18		3	18 19		····	
19			20			
20 21			21 22			
22 23			23	Martin		
24			24 25			
1 **			20			E .

23 (Pages 86 to 89)